

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7398 of 2022

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Arun Kumar Thakur S/o Late Bashistha Narayan Thakur, Resident of Nagar Panchayat Janakpur Road, Pupri, Near School, Pupri, Sitamarhi retired as Typist from M.K.S. College, Trimuhan, Chandauna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.
6. The Principal, M.K.S. College, Trimuhan, Chandauna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Adv.
For the State	:	Mr. Madhaw Prasad Yadaw (Gp 23), Mr. Sanjay Kumar, AC to GP-23
For L.N.M.U	:	Mr. Md. Nadim Seraj, Adv., Mr. Md. Shahbaj Alam, Adv.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-06-2023 Heard Mr. Shashi Bhushan Singh, learned counsel appearing on behalf of the petitioner, Mr. Madhaw Prasad Yadaw and Mr. Sanjay Kumar, learned counsel appearing on behalf of the State and Md. Nadim Seraj and Md. Shahbaj Alam, learned counsel appearing on behalf of the Lalit Narayan Mithila University, Darbhanga.

2. In the present writ petition the petitioner has prayed for the following reliefs:-

“1. (i) For Issuance of an



appropriate writ in the nature of Mandamus, Commanding and directing the respondent authorities to make payment retiral dues such as gratuity, earn leave and arrears of pension and other admitted dues on the basis of pay scale of Rs. 44,900- 142,900/-basic Pay Rs. 62,200/- (which has been fixed by Pay Verification Cell) as on 01.01.2016 which has been fixed on account of grant of ACP and MACP in compliance of order passed in Civil Appeal No. 516/ 2013 order dated 18.01.2013 (State of Bihar & ors. V Sunny Prakash & ors.)

(ii) For issuance of any other appropriate writ/writs, order/ orders, direction/ directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.

3. The petitioner has specifically also reiterated his claim in paragraph no. 11 to the writ petition.

4. Learned counsel appearing on behalf of the petitioner informs this Court that the petitioner has already represented before the authority concerned and the claim of the petitioner has been forwarded by the Principal of the concerned College and the delay in making payment is being caused by the Registrar of the University.

5. Learned counsel appearing on behalf of the University informs this Court that immediate steps will be taken



by the Registrar of the University to disburse all the dues as claimed by the petitioner within a period of three weeks in spite of the fact that the University is stressed due to non-availability of fund.

6. The Vice-Chancellor, the Registrar and the Finance Officer of L.N. Mithila University, Darbhanga, must ensure to comply with the direction of this Court contained in ***CWJC No. 6852 of 2021 (Lilawati Mishra vs. The State of Bihar & Ors.)*** by facilitating speedy redressal of the genuine grievance and prevent unnecessary litigation.

7. The Vice Chancellor and the Registrar of the University are required to personally approach the Additional Chief Secretary, Higher Education Department, Government of Bihar, who will at least ensure disbursal of fund, which is required by the University for the payment to be made to the petitioner.

8. Entire admissible dues on account of retiral benefit must be paid to the petitioner after examining his claim within a period of three weeks.

9. In case, the order is not complied with, the petitioner may file an application for initiating a proceeding of contempt for willful disobedience of this order.



10. Mr. Madhaw Prasad Yadaw, learned Gp 23 must ensure to communicate this order to the Additional Chief Secretary, Education Department, Government of Bihar and the Additional Chief Secretary, Finance Department, Government of Bihar and they will ensure compliance of this order.

11. With the above observation/direction, the present writ petition is allowed.

(Purnendu Singh, J)

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