

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7739 of 2022

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Smt. Sharda Prasad, W/o Late Mithilesh Kumar Prasad Associate Professor in Economics (now Superannuated), Ganga Devi Mahila Mahavidyalaya, Kankarbagh, P.S. - Kankarbagh, Patna - 800020, presently residing at Flat No. N/1101 Pratik Laurel, Sector 120, Noida, Distt. - Gautam Budha Nagar, Uttar Pradesh, Pin - 201303.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat Building, P.S. - Sachivalaya, Patna.
2. Magadh University, Bodh Gaya, through its Registrar, District - Gaya.
3. Vice Chancellor, Magadh University, at Bodh Gaya, District - Gaya.
4. The Registrar, Magadh University at Bodh Gaya.
5. The Principal, Ganga Devi Mahila Mahavidyalaya at Kankarbagh, Patna - 800020.
6. Finance Officer, Magadh University at Bodh Gaya, District - Gaya.
7. The Director, Higher Education Department, Government of Bihar office situated in Vikash Bhawan, P.S. - Sachivalaya, Patna - 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Subodh Kumar Sinha, Advocate
For MU	:	Mr.Pankaj Kumar Singh, Advocate
For the Respondent/s	:	Mr.Shankar Kumar Thakur, AC to GP 27)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 11-09-2023

Heard Mr. Subodh Kumar Sinha, learned counsel appearing on behalf of the petitioner; Mr. Pankaj Kumar Singh, learned counsel for the Magadh University and Mr. Shankar Kumar Thakur, learned AC to GP 27 for the State.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner is entitled for payment of amount on account of leave encashment for 171 days and a communication



in this regard has been made by the Vice Chancellor of the University, vide letter dated 25.06.2021 and sent to the Finance Officer of the University. It appears that the Finance Officer of the University has not taken any action to make payment of the amount on account of leave encashment for 171 days to the petitioner.

3. Learned counsel appearing on behalf of the State submits that already a communication was made with the Director, Higher Education Department, Bihar, however, funds had not been released in accordance with the demand made by the University.

4. At this stage, learned counsel for the State submits that already funds have been released and from that fund, the petitioner is required to be paid.

5. Mr. Shankar Thakur, learned counsel has confirmed the information given by the learned counsel for the State.

6. Considering the fact that the funds have been received by the University, the Registrar of the University is directed to make payment of amount on account of leave encashment for 171 days to the petitioner in accordance with law along with the statutory interest within a period of four weeks.



7.The petitioner, if so advised, may approach the Registrar of the University for facilitating the early payment amount.

8. In case of failure of the Registrar of the University in making payment of amount on account of leave encashment for 171 days, the petitioner may take appropriate legal action against the Registrar of the University.

9. With the above observation/direction, the present petition is disposed of.

(Purnendu Singh, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	13.09.2023
Transmission Date	

