

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7805 of 2023**

Dr. Kameshwar Prasad son of Ram Prasad, Resident of New Colony, Saharsa,  
P.S. and District Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The B.N. Mandal University Madhepura through the Registrar.
3. The Vice Chancellor, B.N. Mandal University, Madhepura.
4. The Registrar, B.N. Mandal University, Madhepura.

... .. Respondent/s

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr.Amaresh Kumar Singh, Advocate  |
| For the University   | : | Mr.Shashi Bhushan Singh, Advocate |
| For the Respondent/s | : | Mr.Subhash Chandra Mishra (SC16)  |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL JUDGMENT**

**Date : 24-08-2023**

Heard Mr. Amresh Kumar Singh, learned counsel  
appearing on behalf of the petitioner; Mr. Shashi Bhushan Singh,  
learned counsel for the University and Mr. Subhash Chandra  
Mishra, learned SC 16 for the State.

2. In the present writ petition, the petitioner has prayed  
for follows relief(s) :-

“That this is an application for issuance of a writ in  
the nature of a writ of mandamus or any other  
appropriate writ order or direction to respondents  
authorities to pay the differences of amount arrears  
of pension, gratuity, earned leave and pay etc. to the  
petitioner, which has not been paid as yet as well as  
for other reliefs for which the petitioner is entitled  
in the facts and circumstances of this case after  
superannuation.”



3. The petitioner has prayed, as above, taking into consideration the recommendation of the University Selection Committee, which has been approved by the syndicate on 05.11.2018, by which it has been resolved that the petitioner has been promoted to the post of Reader (Associate Professor) in the prescribed pay scale of Rs.12000-18300. The petitioner is also aggrieved for not giving difference of salary, gratuity, earned leave and revised pension as well as difference of pension on account of revision of pension of the petitioner in the higher pay scale.

4. Mr. Amresh Kumar Singh, learned counsel appearing on behalf of the petitioner submits that the petitioner has already filed an representation before the Vice Chancellor and the Registrar of B.N. Mandal University, Madhepura for grant of aforesaid reliefs, however, no action has been taken till date. In these circumstances, the learned counsel for the petitioner submits that the petitioner seeks to file a detail representation before the Registrar bringing on record all the evidences in support of his claim for grant of retiral benefits, which has been claimed in the present writ petition.

5. Considering the aforesaid submissions made on behalf of the petitioner, the Vice Chancellor/Registrar of the



University is directed to take immediate steps for making payment of difference of pay scale on account of promotion of the petitioner on the post of Associate Professor w.e.f. 15.11.1993, the date from which the petitioner has been promoted on the post of Associate Professor (Reader) which is admitted fact would appear from memo no.102/18 dated 28.01.2019 (Annexure-1) issued under the signature of the Registrar of the University. The name of the petitioner appears at sl.no.8. The petitioner had retired in the year, 2018 and the decision of the Syndicate is retrospective in nature.

6. The Registrar of the University is directed to call for the service record of the petitioner and take final decision to make payment of the retiral dues as claimed by the petitioner in the present writ petition and he is also required to consider the representation of the petitioner in light of above discussion. In case, the Registrar of the University requires attendance of the petitioner, in that case, he is directed to call upon the petitioner forthwith and make payment of entire dues in accordance with law within a period of six weeks from the date of filing of the representation. The petitioner is also entitled for interest on account of delay in making payment of the retiral dues from the date he became entitled for receiving the retiral benefits under the different heads in accordance with law the law laid down by the



Hon’ble Supreme Court passed in the case of *State of Kerala V. M.Padmanabhan Nair* reported in *(1985) 1 SCC 429* and *D.D.Tewari V. Uttar Haryana Bijli* reported in *(2014) 8 SCC 894*.

7. In case, the petitioner finds that deliberate delay and laches in payment of the retiral dues has been caused by the Registrar of the University, he may take appropriate legal action against the Registrar of the University.

(Purnendu Singh, J)

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