

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13570 of 2021

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Nand Kishor Singh son of late Muneshwar Singh Resident of village -
Tumaul via K. Nadyami, Police Station- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
3. The Director Higher Education, Education Department, Government of Bihar, New Secretariat, Patna.
4. Bhupendra Narayan Mandal University through its Registrar, Madhepura, Bihar.
5. The Vice Chancellor, Bhupendra Narayan Mandal University, Madhepura, Bihar.
6. The Registrar, Bhupendra Narayan Mandal University, Madhepura, Bihar.
7. The Finance Officer, Bhupendra Narayan Mandal University, Madhepura, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Kumar Singh, Adv.
For the State	:	Mr. Madanjeet Kumar (Gp20), Mr. Rajeev Ranjan, AC to GP-20
For University	:	Mr. Ritesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 10-05-2023 Mr. Prabhat Kumr Singh, learned counsel appearing

on behalf of the petitioner, Mr. Madanjeet Kumar and Mr.

Rajeev Ranjan, learned counsel appearing on behalf of the State

and Mr. Ritesh Kumar, learned counsel appearing on behalf of

the University.

2. In the present writ petition the petitioner has prayed

for the following reliefs:-



“(1) For payment of 10 Lac of gratuity amount in the light of clause 7(iv) of Sankalp No.15/MI- 20/1018(Ansh-1)-592 (Shiksha Vibhag) dated 6 March 2019 (effective from 01-04-2017), as petitioner has been paid only 10 Lac after his retirement instead of 20 Lac.

(ii) For payment of rest of Leave in cashment a sum of Rs.14,92,000/- (Fourteen Lac Ninety Two Thousand only) approx, as petitioner has been granted promotion on the post of Associate Professor, with effect from 27-7-2003 and its notification was issued on 28-1-2019, 3 days before retirement of the petitioner which was 31-01-2019, his last month pay fixed after promotion as Associate Professor was Rs. 1,87,300/- (One Lac eighty-seven thousand only). But petitioner Leave in cashment has been calculated and paid on the basic scale of Lecturer (Senior Scale) which was Rs. 42170/- (Forty two thousand one hundred and seventy only), much less than the actual amount.

(iii) For only other relief/reliefs for which petitioner found entitled to in the facts and circumstances of the case.”

3. Mr. Prabhat Kumr Singh, learned counsel appearing on behalf of the petitioner submits that part payment on account of leave encashment and gratuity has been made and still certain amount in connection with leave encashment and gratuity is still



required to be paid by the University.

4. Mr. Ritesh Kumar, learned counsel appearing on behalf of B.N. Mandal University informs this Court that total amount of Rs. 20,14,810/- on account of gratuity amount of Rs. 10,000,00/ and leave encashment amount of Rs. 10,14,810/- will be paid.

5. Learned counsel appearing on behalf of the University inform 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.

6. The learned counsel further informs that the University is stressed due to non-availability of fund and it is true, the Vice-Chancellor and the Registrar of the University should 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.

7. The Vice Chancellor of the University must ensure that the Registrar of the University takes all the serious steps for making payment of the retiral dues admissible to the petitioner within a period of three weeks.



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

(Purnendu Singh, J)

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