

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13864 of 2021

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Lakshmi Narayan Singh Son of Late Mehilal Singh Resident of Village-
Teghra, P.O.- Teghra, Via- Khutauna, Police Station- Babubarhi, District-
Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner-Cum- Secretary Human Resources Department (Higher Education), Govt. of Bihar, Patna.
2. Director Higher Education, Govt. of Bihar, Patna.
3. The Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga through its Registrar.
4. The Vice- Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, Chethru Mahto Janta College, Donwarihat, Khutauna, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar, Advocate
For the State	:	Mr. Madhaw Prasad Yadav (GP-23)
		Mr. Meera Singh, AC to GP-23
For the University	:	Mr. Md. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 04-05-2023 Heard Mr. Ranjan Kumar, learned counsel appearing on behalf of the petitioner, Mr. Madhaw Prasad Yadav, learned GP-23 appearing on behalf of the State and Mr. Md. Nadim Seraj, learned counsel for the University.

2. Learned counsel appearing on behalf of the petitioner informs this Court that the University has taken steps finally to come out with a case that a sum of Rs. 17,16,378/- is payable to the petitioner towards salary arrears and a sum of Rs.



3,15,867/- towards retiral benefit of the petitioner after adjustment of excess amount has been determined to Rs. 4,47,930/-. The petitioner was not given opportunity nor he was informed that consequences of such adjustment is penal in nature.

3. The another grievance of the petitioner is that in view of the syndicate decision of the University dated 27.07.1985, the teaching and non-teaching employee has been extended benefit of group insurance cum saving scheme at par with the State Government's employee and he is entitled to interest at the rate of 12.5% per annum.

4. Mr. Nadim Seraj, learned counsel appearing on behalf of the University submitted that the university is bound to given the said benefit to the petitioner as has been being paid to the other employee in terms of the decision of the syndicate at the applicable rate of interest.

5. Considering the aforesaid grievance of the petitioner and the relief prayed for in the present writ petition, this Court finds that already university has demanded grant from the State Government with respect to the retiral benefit and arrears of salary vide letter no. LC83/23 dated 16.02.2023 to make available fund.



6. It appears to this Court that the Education Department as well as Finance Department has not taken any positive steps to disburse the said amount in the account of the University to be paid to the petitioner and similarly situated other retired employees/teachers.

7. Vice-Chancellor, Registrar and Finance Officer of the University must approach the Additional Chief Secretary, Higher Education. The Additional Chief Secretary, Higher Education must see at his own level that the Finance Department disburse the amount as claimed by the University vide letter no. LC83/23 dated 16.02.2023

8. This Court finds it proper that at least amount which is payable to the petitioner must be disbursed in the account of the University so that the petitioner may not further suffer being a senior citizen and pension holder.

9. Such exercise must be done within a period of four weeks.

10. This Court makes it clear that so far as the recovery part is concerned, the same having been recovered without informing the petitioner. The action is deprecated for the petitioner having been penalised.

11. The petitioner, if so advised, may file a detailed



representation along with the supporting documents and legal propositions as on date before the Registrar of the University, who will dispose of the representation within a period of six weeks and will ensure payment of the all admissible dues within the aforesaid period.

12. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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