

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9369 of 2023

Ashok Kumar Jha S/o Late Ganesh Jha, R/o Mohalla-Flat No. 205 Vidya Complex, Balupar Kurji Near ST Michael School, Kurji, Sadaquat Asharm, District-Patna.

... .. Petitioner/s

Versus

1. State of Bihar through the Secretary Higher Education, Govt. of Bihar, Patna.
2. The Vice-Chancellor, B.R.A. Bihar University, Muzaffarpur.
3. The B.R.A. Bihar University Muzaffarpur through its Registrar.
4. The Vice-Chancellor, J.P. University, Chapra.
5. The J.P. University Chapra through its Registrar.
6. The Finance Officer, J.P. University Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Shekhar Tiwary, Advocate.
For the Respondent/s	:	Mr.Subhash Chandra Mishra, SC-16.
For the University	:	Mr. Ritesh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 09-10-2023

Heard Mr. Shashi Shekhar Tiwary, learned counsel appearing on behalf of the petitioner; Mr. Ritesh Kumar, learned counsel appearing on behalf of the University and Mr. Subhash Chandra Mishra, learned SC-16 for the State.

2. The writ petition under consideration has been filed for the following relief(s):-

“That this application is being filed for directing /commanding the respondents to ensure immediate payment of post retiral and other admissible dues in favour of the petitioner who superannuated as Professor (Botany) from the Jai Prakash University, Chapra w.e.f. 31.01.2022.
2. That the petitioner prays for the following



reliefs:

A) The Respondent J.P. University Chapra may kindly be directed to ensure immediate payment of:

i. Group Insurance amount with 12.25% compound interest (in continuity).

ii. Rs.20,00000/- towards gratuity.

Iii. Earn leave amount for 300 days.

iv. Differential amount towards pay and allowance/pension under the 6th & 7th PRC.

B) The Respondents B.R.A. Bihar University, Muzaffarpur may kindly be directed to ensure immediate payment towards;

i. Differential arrear of pay & allowances (i.e. D.A., H.R.A., M.A., I.R. etc.) for the period admissible between the period 11.01.1980 to October, 1992 (i.e. till creation of J.P. University, Chapra).

ii. D.D.A. amount with up to date statutory interest in view of Prof. Surendra Bhadur case reported in 2006 (4) PLJR 369.

(C) The up-to-date statutory cum penal interest also may kindly be allowed to the petitioner against each and every heads as stated above on the ground of inordinate delayed.

D) Any other relief or reliefs also may kindly be above said for which the petitioner be found entitle on the opinion of this Hon'ble Court.

3. 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.

4. 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 four weeks in spite of the fact that the University is stressed due to non-availability of fund.

5. The Vice-Chancellor, Registrar and Finance Officer of the B.R.A. Bihar University, Muzaffarpur and J.P. University, Chapra, 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.

6. 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.

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

8. 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.



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

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.10.2023
Transmission Date	N.A.

