

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10915 of 2022

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Shyam Sunder Poddar Son of Late Dev Narayan Poddar, resident of Chanour,
Street Manigachi, District - Darbhanga, retired as typist R.S. College, Tarapur,
District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice Chancellor, Munger University, Munger.
4. The Registrar, Munger University, Munger.
5. The Finance Officer, Munger University, Munger.
6. The Vice Chancellor, T.M. Bhagalpur University, Bhagalpur.
7. The Registrar, T.M. Bhagalpur University, Bhagalpur.
8. The Finance Officer, T.M. Bhagalpur University, Bhagalpur.
9. The Principal, Ram Swarath College Tarapur, District - Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Adv.
For Munger University	:	Mr. Rashid Izhar, Adv.
For Bhagalpur Univ.	:	Mr. Ashhar Mustafa, Adv.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-05-2023 Heard Mr. Shashi Bhushan Singh, learned counsel appearing on behalf of the petitioner, Mr. Rashid Izhar, learned counsel appearing on behalf of the Munger University and Mr. Ashhar Mustafa, learned counsel appearing on behalf of the Bhagalpur University.

2. Mr. Shashi Bhushan Singh, learned counsel appearing on behalf of the petitioner is directed to remove the defect(s) as pointed out by the stamp reporter during course of



the day.

3. Office shall permit learned counsel for the petitioner to remove the defect(s) on some other date if the same is not removed in course of the day.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner was appointed in Tilka Manjhi Bhagalpur University and the same was bifurcated in the year 2018 was reorganized with Tilka Manjhi Bhagalpur University and Munger University, Munger. The College of the petitioner after reorganization falls within the jurisdiction of Munger University, Munger. The name of the College is Ram Swarath College, Tarapur, Munger. The petitioner had retired on 31st August, 2020 from the post of Typist.

5. Learned counsel appearing on behalf of the petitioner informs that the services of the petitioner was not confirmed while he was posted in Bhagalpur University. The Vice-Chancellor/ Registrar of the University after considering that the petitioner has performed his duty on sanctioned post and he was getting salary as per the admissible pay-scale, applicable to the post of Typist and was also allowed the benefit of time bond promotion and M.A.C.P considering the Apex Court order in case of *State of Bihar Vrs. Sunny Prakash* reported in



(2013) 3 SCC 559 considering him as confirmed.

6. The Vice-Chancellor/ Registrar and Finance Officer of Munger University, Munger are directed to make available all the records relating to the petitioner and make payment of dues, as prayed in paragraph-1 and statement made in paragraph-14 of the writ petition.

7. The Vice-Chancellor of the Tilka Manjhi Bhagalpur University must ensure to transit all the records relating to the petitioner if not already sent to Munger University for timely petitioner is paid all the admissible retiral dues.

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

9. The Vice-Chancellor, Registrar and Finance Officer of Munger University, Munger, 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.



10. 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.

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

12. 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.

13. The petitioner is directed that this order will come into force after all the defects are removed.

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

(Purnendu Singh, J)

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