

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10696 of 2023

Ashok Kr. Agrawal son of Late Sita Ram Agrawal, Resident of House No. 06,
S.B.I. Officers Colony, Baily Road, West Mangal Market, Shekhpura, P.S.
Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Secretary, Department of Education, Government of Bihar, Patna.
3. The Magadh University through its Registrar.
4. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya.
5. The Registrar, Magadh University, Bodh Gaya, Gaya.
6. The Finance Officer, Magadh University, Bodh Gaya, Gaya.
7. The Patliputra University through its Registrar.
8. The Vice Chancellor Patliputra University, Patna.
9. The Registrar, Patliputra University, Patna.
10. The Principal, S.M.D. College, Punpur, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Virendra Prasad, Advocate
For the P.U.	:	Mr. Rana Vikram Singh, Advocate
		Mrs. Rasika, Advocate
For the M.U.	:	Mrs. Prakritita Sharma, Advocate
For the State	:	Mr. Prabhakar Jha (GP- 27)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 08-08-2023

Heard Mr. Virendra Prasad, learned counsel
appearing on behalf of the petitioner; Mr. Rana Vikram Singh,
learned counsel appearing on behalf of the Patliputra University;
Mrs. Prakritita Sharma, learned counsel appearing on behalf of
the Magadh University and Mr. Prabhakar Jha, learned GP-27
for the State.

2. The writ petition under consideration has been



filed for the following relief(s):-

“That this is an application is being filed for issuance of a writ in the nature of mandamus directing/commanding the Respondents authority to pay the Gratuity amounting of Rs. 10,00,000/- differential amount of Leave Encashment, remaining 25 % pension from 01.03.2018 to 31.03.2020, and differential amount of arrears of salary from 01.01.2016 to 30.11.2017 on account of revision of pay scale w.e.f. 01.01.2016 with upto date Penal Interest @ 18% delayed payment in the light of Judgement/order dated 11.05.2022 passed in case of Lilawati Mishra Versus The State of Bihar and others (Reported in 2022(2) PLJR 671) and also supply the detail calculation.”

3. Learned counsel appearing on behalf of the petitioner submitted that in paragraph nos. 24 and 25 he has specifically stated that differential amount of arrears of pension from 01.12.2017 to 31.03.2019, differential amount of arrears of salary from 01.01.2016 to 30.11.2017, remaining amount of arrears of pension from 01.04.2019 to 31.03.2020 and differential amount of Leave Encashment and remaining amount of gratuity is still required to be paid to the petitioner. The petitioner is also entitled for benefit of 7th Pay Revision with effect from 01.01.2016.

4. 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.

5. 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.

6. The Vice-Chancellor, Registrar and Finance Officer of Magadh University, Gaya, 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.

7. 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.

8. Entire admissible dues on account of retiral benefit



must be paid to the petitioner after examining his claim within a period of four weeks.

9. 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.

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

(Purnendu Singh, J)

Niraj/Nilmani

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2023
Transmission Date	NA

