

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3437 of 2019

In

Civil Writ Jurisdiction Case No.17619 of 2016

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Prof. Krishna Mohan Prasad, S/o Late Shiv Chandra Prasad, R/o Mohalla-Shivpuri Damuchak, P.S.- Kazi Mohammadpur, District- Muzaffarpur, Presently working as General Secretary, Pensiondhari Samaj, B.R.A. Bihar University, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Deepak Kumar, The Chief Secretary, Government of Bihar, Patna.
2. Mr. R.K. Mahajan, the Secretary, Higher Education, Government of Bihar, Patna.
3. Mr. S. Sidhharth, the Secretary Finance, Government of Bihar, Patna.
4. Mrs. Rekha Kumar, the Director, Public Instruction, Government of Bihar, Patna.
5. Mr. Dr. Rajesh Singh, the Vice Chancellor, BRA Bihar University, Muzaffarpur.
6. BRA Bihar University, Muzaffarpur through its Registrar Mr. Colonel Ajay Kumar Rai.
7. Mr. Md. Nayeem, the Financial Advisor, BRA Bihar University, Muzaffarpur.
8. Mr. Vinod Kumar, the Finance Officer, BRA Bihar University, Muzaffarpur.
9. Mr. Bibhuti Mishra, the Auditor, Government of Bihar for BRA Bihar University, Muzaffarpur.

... .. Opposite Party/s

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with

Miscellaneous Jurisdiction Case No. 341 of 2021

In

Civil Writ Jurisdiction Case No.17619 of 2016

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1. Amresh Shandilya, S/o Pandit Ramesh Dutt Sharma, Resident of Anant Kripa, College Road, Barauni, District- Begusarai, retired as University Professor from A.P.S.M. College, Barauni, District- Begusarai.
 2. Nirmal Kumar Singh, S/o Dasrath Prasad Singh, Resident of Village-Bahadurpur, Ward No. 26, P.S. and District- Samastipur, retired as Associate Professor, in the subject of Chemistry, Samastipur College, Samastipur.



... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. Sri R.K. Mahajan, presently posted as Principal Secretary, Education Department, Government of Bihar, Patna.
3. Smt. Rekha Kumari, presently posted as the Director, Higher Education Department, Govt. of Bihar, Patna.
4. Dr. (Prof.) Rajesh Kumar, presently posted as Vice-Chancellor, L.N. Mithila University, Darbhanga.
5. Sri Nishith Kumar Roy, presently posted as Registrar, L.N. Mithila University, Darbhanga.
6. Sri Anil Kumar Chaubey, presently posted as Finance Officer, L.N. Mithila University, Darbhanga.
7. The Principal Secretary, Chancellor of Universities, Raj - Bhawan, Patna.

... .. Opposite Party/s

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Appearance :

(In Miscellaneous Jurisdiction Case No. 3437 of 2019)

For the Petitioner/s : Mr. Manoj Kumar Manoj, Adv.
For the University : Mr. Nikhil Kumar Agrawal, Adv.
For the State : Mr. Shashi Shekhar Tiwary, Adv.

(In Miscellaneous Jurisdiction Case No. 341 of 2021)

For the Petitioner/s : Mr. Shashi Bhushan Singh, Adv.
For the State : Mr. Shashi Shekhar Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 21-06-2023

Both these contempt petitions have been taken up together and are being disposed off by this common order.

2. Heard the learned counsel for the parties.



3. A Division Bench of this Court of which one of us (Ashutosh Kumar, J.) was a part, had issued specific directions on 08-10-2018 in a PIL petition, bearing C.W.J.C. No. 17619 of 2016, that the Universities of Bihar would ensure that the employees as well as the retired employees of the Universities are not put to any difficulty. For the aforesaid, certain directions were issued, namely, that the Universities shall send estimated budget in advance in prescribed format for the ease of business by the State. The Universities would settle the retiral dues and pensionary benefits of the employees well in advance, preferably three months before the actual date of retirement and the State Government would be obliged to release the grant of salary and pension to such employees also in advance.

4. The present petitions have been filed because of some deviation of Bihar University in following the afore-noted directions of this Court.

5. From the averments made in the



supplementary affidavit (M.J.C. No. 3437 of 2019), attempting to make out a case for issuance of contempt notice against the University, delay of about thirty days has been shown in payment of post-retiral dues in case of some of the employees.

6. We find that the Bihar University has been quite particular in following the directions. Isolated instances of delayed payment would not justify either filing of such contempt petition or issuance of any further directions in the matter. In fact, in one of the matters, a Division Bench of this Court extolled the promptitude with which the matter in issue is being dealt with by the Bihar University.

7. No good ground has been made out by the petitioners for any action in these matters. Nonetheless, we reiterate that the directions issued by the Division Bench are for public benefit and it falls within the obligatory duties of the Universities and the State of Bihar. Thus, those directions ought not to be breached



under any circumstance, failing which any person aggrieved would have the liberty to come up before this Court.

8. For the present, there is no necessity for passing any further orders in these contempt petitions, which stand consigned and disposed off accordingly.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	N/A
Transmission Date	23.06.2023

