

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12939 of 2022

Prof. (Dr.) Kameshwar Jha S/o Late Bachelal Jha, resident of Village - Umari,
P.S. - Lakhnour District - Madhubani, retired as Commissioned Principal,
M.R.M. College, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice-Chancellor, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, M.R.M. College, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Adv.
For the State	:	Mr. Rajesh Kumar Sinha, AC to GP-23
For the LNMU	:	Mr. Md. Nadim Seraj, Adv., Mr. Shailesh Kumar, Adv.

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. Rajesh Kumar Sinha, learned counsel appearing on behalf of the State and Mr. Nadim Seraj and Mr. Shailesh Kumar, learned counsel appearing on behalf of the L.N.M.U.

2. Learned counsel for the petitioner submits that the petitioner had retired on 13.06.2023 and without reason the University has denied to make payment of 10% of his remaining



amount of pension, in spite of the fact that the State Government has issued a Memo No.- 2124, dated 18.07.2022 as stated in paragraph 24 of the writ petition. The State Government has directed the Registrar of the University to look into the grievance of the petitioner.

3. He further submits that in spite of the fact that the requisite funds were already transmitted into the account of the University at the relevant point of time in the year 2013 itself. The University has not paid till date and by withholding the amount of 10% pension without any reason amounting to unjust enrichment by denyin the payment.

4. Learned counsel further submits that the case of the petitioner is covered by the law laid down by the Apex Court in case of **Dhananjay Reddy Vs. State of Karnataka** reported in **(2001) 4 SCC 9** and in case of **State of Jharkhand & Ors. Vrs. Ambay Cements & Anr.**, reported in **(2005) 1 SCC 368**. In view of the observation made in the above case the petitioner is entitled to 10% of the pension.

5. Learned counsel appearing on behalf of the University submit that the communication made to the Registrar of the University vide memo no. 2124, dated 27.07.2022 is only a request to the Registrar of the University, however, is not able



to make any submission because of the fact that the subsequent to the said order and the representation of the petitioner, no action has been taken by the University to make payment of 10% pensionary benefit to the petitioner.

6. Learned counsel appearing on behalf of the State submit that he cannot deny that a communication has been to the University for expeditious disposal of the grievance of the petitioner.

7. Considering the rival submissions of the parties and the fact that the petitioner has made a detailed representation on 24.05.2022 and the same has not been considered by the Registrar of the University. The record also reveals that there is no allegation of any misappropriation committed by the petitioner for withholding 10% pension, to which the petitioner is entitled.

8. The Vice Chancellor of the University is directed to look into the matter and dispose of the representation of the petitioner.

9. The petitioner is so advised to file a representation and the same should be disposed of taking into consideration the adjudication of the Apex Court as well as considering the records that the petitioner has unblemished service and he has



discharged his duties in M.R.M. College, Darbhanga and at different Colleges, as would appear from paragraph-7 of the writ petition.

10. The representation of the petitioner is required to be disposed of by the Vice Chancellor after giving opportunity to the petitioner as well as the Registrar of the University within a period of six weeks.

11. If the record reveals that no irregularity has been committed by the petitioner, in that case the Vice Chancellor must ensure for making payment of the remaining dues of 10% pension.

12. On account of failure of the University to dispose of the application within a period of 6 weeks, the statutory interest @ 12.5 payable to the petitioner till the date of payment within a period of six weeks.

13. The petitioner, if so desire, all other admissible dues will be payable to the petitioner.

14. The writ petition stands disposed of.

(Purnendu Singh, J)

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