

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13909 of 2022

=====

Braj Kishor Singh S/o Late Sahdeo Singh resident of Village and Post- Naula,
P.S.- Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through its the Commissioner-cum-Secretary, Higher Education Dept. Govt. of Bihar, Patna.
2. The L.N. Mithila University through its Vice-Chancellor, L.N. Mithila University Kameshwar Nagar, Darbhanga.
3. The Registrar, L.N.M.U., Kameshwar Nagar, Darbhanga.
4. The Finance Officer, L.N.M.U. Kameshwar Nagar, Darbhanga.
5. The Pension Officer, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, R.C.S. College, Manjhaul (Begusarai).

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Niraj Kumar, Advocate.
For the University	:	Mr. Md. Nadim Seraj, Advocate.
For the State	:	Mr.Kameshwar Kumar, GP-17
		Mr. Arbind Kumar, AC to GP-17.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 10-10-2023

Heard Mr. Niraj Kumar, learned counsel appearing on behalf of the petitioner; Mr. Md. Nadim Seraj, learned counsel for the University and Mr. Kameshwar Kumar, learned GP-17 along with Mr. Arbind Kumar, learned AC to GP-17 for the State.

2. Learned counsel appearing on behalf of the petitioner submits that the pay verification Cell of the Education Department has verified the service record of the petitioner and the claim as made in the present writ petition, however, the



petitioner has been denied the benefits of ACP/MACP on account of non-availability of his service book available with the Principal of the College concerned. A counter affidavit has been filed on behalf of respondent nos. 2 to 5 who are the authorities of the University in which statement has been made in Para-6, which is reproduced hereinafter:

“6. That however, on the basis of incomplete paper, provisional pay-point including benefits of ACP/MACP has been prepared by the establishment section with Rs.85,100/- on the date of retirement i.e. on 31.03.2020 which is under process of audit and according administrative approval. On the basis of incomplete service book days of unavailed earned leave has also been calculated which comes to 300 days up to 2018 is also under process of audit.”

3. Considering the aforesaid submission made in Para-6 particularly and other paragraphs of the counter affidavit for denying the benefit on account of financial upgradation which is surprising as the custodian of the service book of an employee is the Principal of the College and no action in the present case has been taken against the Principal of the College by the Vice Chancellor of the University. However, considering the fact that already Education Department has made verification of the data relating to the service of the petitioner, the petitioner cannot be denied benefit of financial upgradation on account of ACP/MACP.

4. The Registrar of the University is directed to look into the matter afresh and calculate the benefits considering



the date of birth of the petitioner till the date of retirement i.e. 31.03.2020 and see that benefits of time bound promotion including ACP/MACP are given to the petitioner and accordingly pension is directed to be fixed and released within a period of six weeks from the date of communication of this order.

5. The writ petition, accordingly, stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

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

