

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14453 of 2022

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Shri Krishna Prasad Singh Son of Late Hit Narain Singh At and P.O.- Muther,
P.S.- Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Education Department, Patna.
2. The Director, Higher Education, Patna.
3. Veer Kuwar Singh University, Ara through its Registrar.
4. The Vice-Chancellor, Veer Kuwar Singh University, Ara.
5. The Registrar, Veer Kuwar Singh University, Ara.
6. The Finance Officer, Veer Kuwar Singh University, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Adv.
For the State	:	Mr. Shankar Kumar Thakur, AC to GP-27
For the University	:	Mr. Sanjay Kumar Ghorsarvey, Adv.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 24-08-2023

Heard Mr. Sunil Kumar Singh, learned counsel appearing on behalf of the petitioner, Mr. Shankar Kumar Thakur, learned counsel appearing on behalf of the State and Mr. Sanjay Kumar Ghorsarvey, learned counsel appearing on behalf of the University.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner has filed the present writ petition for payment of earned leave w.e.f. 27.07.1998 along with interest @ 12% per annum till the date of payment. Learned counsel further



submits that the petitioner is entitled for leave encashment for 300 days as has been directed to be converted from the date on 18.09.2006, but it has been clarified at paragraph-1 of the said letter, but benefit of 12 days earned leave per year shall be effective w.e.f. 27.07.1998 without any condition regarding 180 days in a year subsequently required by the letter dated 30.07.2005 of the State Government.

3. The petitioner in this regard has relied on a Judgment passed in case of **Baleshwar Ojha & Ors. Vrs. The State of Bihar & Ors.** reported in **2006 (1) PLJR 506** at **Paragraph-7** which *inter alia* is as follows:-

“7. In law, I have no other option; but to hold that once by the Statute it has been held out that the employees of the said Universities shall be entitled to gratuity at the same rate as applicable to the State Government employee whenever there is a change, by reason of the Statute itself the employees of the said Universities became entitled to enhanced gratuity with effect from 1st April, 1997 and, accordingly, it shall be deemed that by the Government Order dated 22nd June, 2005 the Government has communicated to the effect that the employees of the said Universities shall be entitled to enhanced gratuity in terms of the Statute with effect from the date the gratuity payable to the employees of the State Government stood changed i.e. with effect from 1st April, 1997.”



4. The Registrar, Veer Kuwar Singh University, Ara is directed to redress the grievance of the petitioner within a period of four weeks, considering the fact that petitioner has filed several representation before him, but he has sat over the same.

5. In case, he further delays the matter, this Court will take appropriate action for not making payment of earned leave in accordance with law.

6. With the above observation and direction the writ petition stands disposed of.

(Purnendu Singh, J)

pravinkumar/-

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

