

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13614 of 2023

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Shail Kumari Devi, Female, aged about 70 years, Wife of Late Ram Sewak Singh, resident of Village and Post-Thathopur, P.s.-Baheri, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Chancellor of Universities, State of Bihar, Patna.
3. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga, at and P.O. Darbhanga, District - Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Darbhanga, at and P.O. Darbhanga, District-Darbhangha.
5. The Director, Higher Education Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ratanakar Jha, Advocate
For the State	:	Mr.Prabhakar Jha (Gp 27)
For the Chancellor	:	Mr. Rana Vikram Singh, Advocate
For the University	:	Mr. Arya Achint, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 04-10-2023

Heard Mr. Ratanakar Jha, learned counsel appearing on behalf of the petitioner; Mr. Prabhakar Jha, learned GP 27 for the State: Mr. Rana Vikram Singh, learned counsel for the Chancellor and Mr. Arya Achint, learned counsel for the University.

2. Learned counsel for the petitioner submits that petitioner seeks to file a detailed representation before the Registrar of the Lalit Narayan Mithila University, Darbhanga for redressal of her grievance and payment of retiral dues, as



enumerated in paragraph no.1 of the writ petition, which is as follows:-

“1. (a) To issue an appropriate writ/order/direction in the nature of Certiorari to quash Letter No.SC/60/23 dated 22-02-2023 [contained as Annexure – P/15 series to this writ petition] issued by the respondent No.4, the Registrar, Lalit Narayan Mithila university, Darbhanga, whereby and whereunder it has been intimated that in view of Logical Order dated 20-02-2023 contained in Memo No.15/C-468/2022-594 passed by the Director Higher Education, any benefit shall not be payable. As such family pension, which the petitioner was getting, has been stopped arbitrarily, in utter violation of the principle of natural justice without issuing any show cause or without hearing the petitioner.

(b) To issue an appropriate writ/order/direction in the nature of Certiorari to quash the Logical Order dated 20-02-2023 contained in Memo No.15/C-468/2022-594 passed by the Director Higher Education.

(c) To issue an appropriate writ/order/direction in the nature of mandamus directing the respondent authorities to start the family pension of the petitioner as usual and make payment of due family pension.

(d) For holding that the action of the respondent authorities, stopping the family pension of the petitioner without issuing any show cause or without hearing the petitioner is arbitrary, illegal and contrary to the principle of natural justice.

(e) To grant any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

3. Considering the aforesaid submissions made on behalf of petitioner, the petitioner, if so advised, may file a



detailed representation before the Registrar of the University, who will ensure to make payment of all the admissible retiral dues in accordance with law within a period of three weeks from the date of filing of representation by the petitioner.

4. In case, the Registrar of the University or any authorities of the University fail to respond deliberately in making the payment of the retiral dues to the petitioner under different heads within the aforesaid period, the petitioner is at liberty to take appropriate legal action against the authority concerned.

5. With the aforesaid observation and direction, the writ petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.10.2023
Transmission Date	NA

