

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16831 of 2022

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Tilak Nath Choudhary Son of Bhuvneshwar Chaudhary, Resident of Teachers Hostel No. 1, Flat No. 1, B.U. Campus, Damuchak, Post Office- Head Post Office, P.S. Kazi Mohammadpur, District- Muzaffarpur, the retired Junior Engineer (Electrical), B.R.A. Bihar University, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, Education Department, Government of Bihar, Patna.
4. The Director Higher Education, Education Department, Government of Bihar, Patna.
5. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
6. The Registrar, B.R.A. Bihar University, Muzaffarpur.
7. The Finance Officer, B.R.A. Bihar University, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar Singh, Advocate
For the Respondent/s	:	Mr.Jitendra Kumar Roy 1 (SC 13)
		Mr.Jai Prabhat Kishore, AC to SC 13
For the University	:	Mr.Viveka Nand Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 05-10-2023

Heard Mr. Vijay Kumar Singh, learned counsel appearing on behalf of the petitioner; Mr. Jitendra Kumar Roy-1 (SC 13) with Jai Prabhat Kishore (AC to SC 13), learned counsel for the State and Mr. Viveka Nand Singh, learned counsel for the University.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner was engaged in the year, 1984 in B.R.A. Bihar University, Muzaffarpur as Junior Engineer, as such he is



entitled for pension and other retiral benefits, after his superannuation on 31.01.2020.

3. Learned counsel further submits that the petitioner is entitled for claims as prayed for in the present writ petition, in the light of judgment passed in the case of *Arvind Kumar Singh Vs. The State of Bihar & Ors. (CWJC No.15328 of 2016)* as well as the recent judgment of the Hon'ble Division Bench passed in the case of *The Registrar General, Patna High Court Vs. Ram Vyas Dubey & Ors. (LPA No.198 of 2016 arising out of CWJC No.15761 of 2013)*.

4. Learned counsel further submits that the petitioner, pursuant to order dated 25.09.2020 passed in CWJC No.7514 of 2020 (**Annexure 'P/12'**), had filed a detail representation before the Registrar, B.R.A. Bihar University, Muzaffarpur (Respondent no. 6) on 19.10.2020 for the redressal of his grievance, as claimed for in the present writ petition and the same has been disposed of by the Registrar of the University by order dated 13.10.2022 (**Annexure - 'P/13'**), rejecting the claim of the petitioner without considering the law laid down by this Hon'ble Court as well as the Apex Court particularly in the case of *The Registrar General, Patna High Court Vs. Ram Vyas Dubey & Ors.* (supra).



5. Considering the aforesaid facts and circumstances of the case, order dated 13.10.2022 of the Registrar of the University, as contained in '**Annexure 'P/13'**' of the writ petition, is made ineffective till the date of disposal of the writ petition of the petitioner and he is directed to consider the representation of the petitioner afresh, in the light of judgment passed in the case of *Arvind Kumar Singh Vs. The State of Bihar & Ors.* (supra) and *The Registrar General, Patna High Court Vs. Ram Vyas Dubey & Ors.* (supra) within a period of four weeks and pass a reasoned order by calling for the service particulars of the petitioner and comparing the case of the petitioner with that of *The Registrar General, Patna High Court Vs. Ram Vyas Dubey & Ors.* (supra).

6. In case, the case of the petitioner is found to be covered by the decision of the judgment of the Hon'ble Division Bench passed in the case of *The Registrar General, Patna High Court Vs. Ram Vyas Dubey & Ors.* (supra), the Registrar of the University is directed to pay the pension and other retiral benefits to the petitioner, in accordance with law with statutory interest.

7. In case, the Registrar of the University finds that the petitioner is not entitled for the relief(s), as claimed for in the present writ petition, which have been granted in the case of *The Registrar General, Patna High Court Vs. Ram Vyas Dubey &*



Ors. (supra). In that case, he is directed to hear the petitioner and pass a reasoned order in accordance with law.

8. In case, any fresh representation is filed by the petitioner, the same is directed to be disposed of within a period of six weeks from the date of filing of the representation.

9. With the above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.10.2023
Transmission Date	NA

