

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17684 of 2022

Dr. Baikunth Pandey S/o Nabab Pandey, R/o J M S 344 Durga Ashram,
Rajendra Lane, Prem Bhavan Se Purav, Sheikpura, Rukanpura, P.O.- B.V.
College Patna, P.S.- Shashtri Nagar, District- Patna, Pin - 800014.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Dept. Govt. of Bihar, Patna.
2. The Director, Higher Education Dept. Govt. of Bihar Patna.
3. The Vice Chancellor Magadh University, Bodh -Gaya.
4. The Magadh University Bodh-Gaya through its Registrar.
5. The Vice Chancellor, J.P. University Chapra.
6. The Jai Prakash University, Chapra through its Registrar.
7. The Finance Officer, J.P. University, Chapra.
8. The Finance Advisor, J.P. University, Chapra.
9. The Principal, Rajendra College, Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Shekhar Tiwary, Advocate
For the State	:	Mr. Jai Prabhat Kishore, AC to SC-13
For the J.P. University	:	Mr. Ritesh Kumar, Advocate
For the Magadh University:	:	Mr. Sunit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 10-05-2023

Heard Mr. Shashi Shekhar Tiwary, learned counsel
appearing on behalf of the petitioner, Mr. Jai Prabhat Kishore,
learned AC to learned SC-13 appearing on behalf of the State,
Mr. Ritesh Kumar, learned counsel appearing on behalf of the
J.P. University, Chapra, and Mr. Sunit Kumar, learned counsel
for the Magadh University.

2. Petitioner, who had retired on 31.07.2022 from



the post of Principal from Rajendra College, Chapra has filed the present writ petition seeking following relief(s):-

“(A) The answering Respondents, particularly the respondents -J.P. Univeristy, Chapra may kindly be directed to ensure immediate payment of:-

i. The Group Insurance amount with 12.5% compound interest in continuity (in view of the Hon’ble Courts decision reported in 2006 (4) PLJR 369 and other decisions affirmed up to the Hon’ble Apex Court).

ii. The Leave encashment amount for 300 days (in view of Hon’ble Court’s decision passed in C.W.J.C No. 7837/ 2012, read with other developments).

iii. Rs. 20,00,000/- towards gratuity.

iv. Differential amount under the 4th PRC for the period 27.01.1993 to 31.12.1995.

v. Differential arrear under the 5th PRC, for the period of 01.01.1996 to 31.12.2005.

vi. Differential arrear under the 6th PRC, for the period of 01.01.2006 to 31.12.2015.

vii. Up-to-date statutory / penal interest also may kindly be allowed to the present petitioner, upon the payment above said (while annexing the calculation chart to that effect).

viii. The salary pay and allowances for the period of june and july 2022 also may kindly be allowed as the same has been withheld illegally.

(B) The Respondents – Magadh University, Bodh-Gaya may kindly be directed to make immediate payment of :-

i) Differential arrear towards pay and allowances admissible kept pending prior to September, 2009.

ii) Deferred D.A. with up to date statutory interest till the date of final payment in view of prof. Surendra Bahadur Case reported in 2006 (3) PLJR 369.

iii) Differential arrear towards D.A, I.R., H.R.A, M.A etc. upon due verification of the



petitioners entitlement in this regard.”

3. Learned counsel appearing on behalf of the petitioner informs this Court that only 75% of the pension has been sanctioned and entire amount of GPF and almost all the retiral dues are still pending.

4. Mr. Ritesh Kumar, learned counsel appearing on behalf of the J.P. University, Chapra informs this Court that petitioner had retired from the post of Principal of the college, namely, Rajendra College, Chapra on 31.07.2022. He was the administrative head and he was responsible for settlement of the accounts with respect to the different heads of expenditure made by him after his sanction order. Out of total 22 accounts, as on date only 8 accounts have been settled. He further informs that PPO No. 1419 dated 05.05.2023 has been issued with effect from the date of retirement.

5. Considering the rival submission made by the parties, the fact which has emerged before this Court is that only 75% provisional pension has been sanctioned. Reason for not making payment of remaining amount of pension and other retiral dues has not been given because the petitioner was principal of the college and has not settled the account of the college.



6. The Registrar of the University is directed to forthwith settle all the accounts with the petitioner. The petitioner must co-operate with the Registrar of the University.

7. The above exercise must be undertaken by the Registrar of the University and the petitioner within a period of 15 days from today.

8. As the order has been passed in open Court, Mr. Ritesh Kumar, learned counsel appearing on behalf of the J.P. University will inform forthwith to the Vice-Chancellor and the Registrar of the University.

9. It is expected of the petitioner to visit the office of the Registrar of the University today itself so that the account must be settled mutually.

10. At this stage, learned counsel appearing on behalf of the petitioner informs that the petitioner is suffering from heart ailment and he is not able to move.

11. The Registrar of the University is directed to give the details of all the accounts which have not been settled till date to the petitioner today itself.

12. The Registrar of the University must ensure to release/ credit all the admissible retiral dues into the account of the petitioner within a further period of 15 days.



13. It is made clear that before the date of the appointment of the petitioner as principal in Rajendra College, Chapra, which is a constituent unit of J.P. University, the petitioner was posted at Guru Govind Singh Mahavidyalya, Patna City, which falls under the Magadh University/ Patliputra University.

14. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	13.05.2023
Transmission Date	N/A

