

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21834 of 2019

Dr. Syed Hassan, Son of Late Maulana Amir Hassan, Permanent Resident of Village-Chandanpatti, P.S.-Pator, District-Darbhanga, at present resident of Royal Hashmat Villa, Near Patna Nursery, Ashiana-Digha Road, P.O.-B.V. College, P.S.-L.B. Shastri Nagar, Patna-14.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Higher Education, Department of Human Resource, Government of Bihar, Patna.
2. The B.N. Mandal University, Madhepura through the Vice Chancellor, B.N. Mandal University, Madhepura, P.O. and P.S.-Madhepura, District-Madehpura, Bihar.
3. The Registrar, B.N. Mandal University, Madhepura.
4. The Financial Advisor, B.N. Mandal University, Madhepura.
5. The Finance Officer, B.N. Mandal University, Madhepura.
6. The Budget and Accounts Officer, B.N. Mandal University, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. H.P. Singh, Sr. Advocate Mr. Mohammad Sufyan, Advocate
For the University	:	Mr. Ritesh Kumar, Advocate
For the State	:	Mr. Shankar Kumar Thakur, AC to GP-27

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 25-07-2023

Heard Mr. H.P. Singh, learned Senior Counsel
assisted by Mr. Mohammad Sufyan, learned counsel appearing
on behalf of petitioner; Mr. Ritesh Kumar, learned counsel
appearing on behalf of B.N. Mandal University, Madhepura and
Mr. Shankar Kumar Thakur, learned AC to GP-27 of the State.

2. Learned counsel appearing on behalf of the
petitioner submits that petitioner is aggrieved for non-payment
of leave encashment to him for 55 days. The petitioner has



claimed that during the relevant time, according to Appendix-VI of the Selection Committee recommended by the UGC (Annexure-X/8), the petitioner is entitled for 300 days of earned leave in accordance with Sub-clause-5 of the said Rules recommended by the UGC for the teachers of Universities and Colleges and payment only for 240 days is not in accordance with the said recommendation.

3. Learned counsel appearing on behalf of the University informs that, though, the petitioner has brought on record by way of Annexure-X/8 the Selection Committee Recommended by the UGC, but the same is in part and the date cannot be verified from the Annexure-X/8.

4. Considering the aforesaid fact, the order of recovery, which has been passed after 20 years of the retirement of the petitioner, is against the law laid down by the Apex Court. The action is deprecated and the order contained in Annexure-7 series to the writ petition is set aside and quashed.

5. The petitioner is directed to represent before the Registrar of the University along with the recommendation of the UGC, applicable in the case of the petitioner.

6. The respondents must consider the claim of the petitioner with respect to payment of 55 days earned leave in



accordance with law considering the applicable Circular applicable in the case of the petitioner.

7. With the above observations and directions, the writ petition stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2023
Transmission Date	

