

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.146 of 2023

Mosomat Savitri Devi Wife of Late Ram Naresh Pandey, Resident of Village Sangrampur, P.S. Govindganj, District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education Department, Bihar, Patna.
2. The Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, through its Registrar, Kameshwar Nagar, Darbhanga.
3. The Vice Chancellor, The Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, Kameshwar Nagar, Darbhanga.
4. The Registrar, The Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, Kameshwar Nagar, Darbhanga. (hereinafter referred to as K.S.D.S.U., Darbhanga)
5. The Finance Officer, The Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, Kameshwar Nagar, Darbhanga.
6. The Governing Body, Risikulashram Sanskrit Mahavidyalaya, Sangrampur, East Champaran.
7. The Principal, Risikulashram Sanskrit Mahavidyalaya, Sangrampur, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Kripa Nand Jha, Advocate.
For the University	:	Mr. Deepak Kumar, Advocate.
For the State	:	Mr. Hitesh Suman, AC to SC-13.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-04-2023 Heard Mr. Kripa Nand Jha, learned counsel appearing on behalf of the petitioner, Mr. Deepak Kumar, learned counsel for the the Kameshwar Singh Darbhanga Sanskrit University and Mr. Hitesh Suman, learned AC to SC-13.

2. The writ petition has been filed by the widow of the deceased employee who has retired from the post of night guard working in Risikulashram Sanskrit Mahavidyalaya,



Sangrampur, East Champaran. Husband of the petitioner superannuated on 31.10.2010 after attaining the age of 60 years and died on 20.10.2019. Learned counsel further informs this Court that the college in question was run by a Managing Committee and the College was given affiliation by the State Government. The Division Bench of this Court has passed order dated 23.07.2018 in C.W.J.C. No. 9726 of 2017 holding that the employee of the deficit grant colleges are entitled to get pension. Against the said order, the State Government filed S.L.P. (Civil) No. 23489 of 2019 and the said S.L.P. was dismissed vide order dated 02.08.2019. Petitioner has brought on record the order passed by the Hon'ble Supreme Court by way of Annexure-7.

3. Learned counsel appearing on behalf of the State submits that the college was run by the managing committee and the managing committee had appointed the petitioner on the post of night guard which is a Class-IV post. The State has no role to play so far as the private institutions are concerned.

4. It is informed by Mr. Md. Nadim Seraj, learned counsel appearing on behalf of the University that only the power of Registrar has been seized with respect to eight Universities and the power of the Registrar of Kameshwar



Singh Darbhanga Sanskrit University has not been seized.

5. The Registrar, Kameshwar Singh Darbhanga Sanskrit University is directed to look into the grievance of the petitioner taking into consideration the fact that the petitioner is a widow of a Class-IV employee who has superannuated in the year 2010 and even after a long delay of nearly 13 years, nothing has been paid to the widow to sustain her life and her family members dependent on her.

6. If petitioner is liable for payment as claimed by him, the Registrar, Kameshwar Singh Darbhanga Sanskrit University is directed to take immediate steps to redress the grievance of the petitioner by making payment of all the retiral dues applicable to the deceased employee within a period of three weeks and communicate to the petitioner along with the payment of arrears within the said period, not beyond four weeks.

7. Taking into consideration the plight of the petitioner, the petitioner, if so advised, may file a detailed representation before the Registrar of the said University for redressal of his claim as prayed for in the present writ petition.

8. This Court further observed that if the writ petition is found to be misconceived, heavy cost will be imposed on the



learned counsel who has filed the present writ petition.

9. If the petitioner is still aggrieved, he may file contempt before the Court.

10. The writ petition stands disposed of.

(Purnendu Singh, J)

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