

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2890 of 2019

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Sharda Sharma W/o Late Dr.Rameshwar Prasad Resident of Sharda Sadan
261, A.P Colony,District Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary ,Education Department
Government of Bihar Patna
2. The Principal Secretary, Education Department, Government of Bihar,Patna
3. The Vice chancellor, Magadh University, Bodh Gaya
4. The Registrar Magadh University, Bodh Gaya , Bodh Gaya
5. The Finance Officer Magadh University Bodh Gaya
6. The Vice Chancellor L.N.Mithila University Darbhanga
7. The Registrar ,L.N.Mithila University, Darbhanga
8. The Finance Officer ,L.N.Mithila University Darbhanga
9. The Principal, K.S.College Laheriasarai Darbhanga
10. The Vice Chancellor, Veer Kunwar Singh University Ara.
11. The Registrar, Veer Kunwar Singh University, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Adv.
For the State	:	Mr. Prabhakar Jha, GP27
For the LNMU	:	Mr. Bindhyachal Rai, Adv.
For the VKSU	:	Mr. Rajesh Pd. Chaudhary, Adv.
For the MU	:	Mr. Sunit Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 28-11-2024

Heard the parties.

2. The husband of the petitioner, who died in harness
on 19.06.2012 while working on the post of Principal, K.S.
College, Laheriasarai, Darbhanga, has approached this Court for
the following reliefs:

“(i) Amount of Group Insurance @ 12.5%



compound interest till the date of payment like other employees in view of judgment reported in 2006 Vol-IV PLJR page 369.

(i) Amount of D.D.A @ 9% compound interest till the date of payment like other employees in view of judgment reported in 2006 Vol-IV PLJR page 369.

(iii) Amount of salary difference for the period of 01.01.2006 to 31.3.2010 including D.A. and H.R.A. on revised pay effective from 01.01.2006.”

3. To substantiate the reliefs claimed for in the writ petition, learned Advocate for the petitioner contended that so far the admissibility of 12.5% compound interest over the Group Insurance amount is concerned, that issue has already been set at rest by this Court in the case of ***Prof Surendra Bahadur Singh vs. The State of Bihar & Ors.*** reported in ***2006(4) PLJR 369***. So far the claim of the petitioner with regard to D.A. and H.R.A. for the period 01.01.2006 to 31.03.2010 is concerned, learned Advocate for the petitioner has drawn the attention of this Court to the order passed by this Court in the case of Dr. Vijay Prasad Singh vs. The State of Bihar in CWJC No. 17983 of 2016, wherein the Court having found the petitioner entitled for the D.A. and H.R.A. has directed the University to ensure payment of the same. The resistance made by the L. N. Mithila University has been found to be nothing but a bogey by the State. It is further contended that on being aggrieved by the



order passed in the case of Dr. Vijay Prasad Singh (supra), the Lalit Narayan Mithila University has preferred LPA No. 333 of 2019 which came to be disposed of vide order dated 08.09.2021. Against the said order, the State has also preferred LPA No. 667 of 2021 which also came to be dismissed in terms of the order passed in LPA No. 333 of 2019. Despite the order aforementioned, the University has not accorded the benefit to the petitioner. Now, the respondent State has preferred Civil Review No. 167 of 2023 which is pending consideration till date. In the meantime, one identically situated person namely Professor (Dr) Badari Narayan Singh has approached this Court in CWJC No. 4012 of 2022 which writ petition came to be disposed of on 06.10.2023 with a direction to ensure payment of D.A. and H.R.A./M.A. with effect from 01.01.2006 to 31.03.2010 along with other benefits.

4. On the other hand, learned Advocate for the University as well as the State while countering the prayer of the petitioner have submitted that since the matter is pending consideration before the learned Division Bench of this Court in Civil Review No. 167 of 2023 it would be appropriate to adjudicate the matter after disposal of the Civil Review.

5. Having considered the submissions advanced on



behalf of the respective parties and taking note of the fact that the identically situated person has been allowed the benefits of D.A. and H.R.A./M.A. with effect from 01.01.2006 to 31.03.2010 along with 12.5% compound interest over the Group Insurance, this Court does not find any reason or occasion not to accord the similar benefit to the petitioner.

6. In the aforesaid circumstance, this Court directs the Registrar of the L. N. Mithila University to pay all the admissible benefits as prayed for in the writ petition subject to the final outcome of the Review Application. The monetary benefits must be accorded to the petitioner, preferably within a period of 12 weeks from the date of receipt/production of a copy of this order.

7. The writ petition stands disposed off.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.11.2024
Transmission Date	

