

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7492 of 2022

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Jnaneshwary Kant Tiwari S/o Awadh Prasad Tiwari, resident of 206, Mohalla Husse Chapra, P.S.-Chapra, District-Saran, retired as Associate Professor in the subject of Mathematics from J.L.C. College Chapra under Jai Prakash University, Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Higher Education, Govt. of Bihar, Patna.
2. The Director, Higher Education, Govt. of Bihar, Patna.
3. The Vice Chancellor, Jai Prakash University, Chapra.
4. The Registrar, Jai Prakash University, Chapra.
5. The Finance Officer, Jai Prakash University, Chapra.
6. The Principal, J.L.C. College, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s	:	Ms. Abhanjalli, Advocate
For the University	:	Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 06-02-2024

Heard Mr. Shashi Bhushan Singh, learned counsel appearing on behalf of the petitioner, Mr. Ritesh Kumar, learned counsel for the J P University and Ms. Abhanjalli, learned counsel for the State.

2. The petitioner by filing the present writ petition seeks the following reliefs:

(I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent authorities to fix the pension as per clause -5.2(बी ०)(क) of Resolution No. 1674 dated 16.8.2012 by which the basic pension of the retired



employee would be 50% of total emolument or average of last 10 months salary whichever is higher and further a direction to make payment the arrear of pension for the period of 01.02.2006 till the date of payment with statutory interest and for payment of Medical allowance Rs. 1000/- w.e.f. 1.11.2017 in view of law laid down by the Hon'ble High Court passed in CWJC No. 6672/2019 and its analogous cases.

(II) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.

3. The claim of the petitioner is based upon Annexure – 2, especially, Clause 5.2 (बै 0) (क) of the Resolution No. 1674 dated 16.08.2012. Referring to the aforementioned clause, he submits that basic pension of the petitioner ought to be 50% of the total emolument or average of last 10 months salary, whichever is higher, however, the same has not been done. This issue has also been dealt with in the case of ***Yogendra Prasad Vs. The Magadh University, Bodh Gaya and other analogous cases***, CWJC No. 4649 of 2019 disposed of vide order dated 20.12.2019.

4. He next submitted that the petitioner has also not been paid the medical allowance, in view of the judgment rendered by this Court in the case of ***Devata Devi Vs. The State of Bihar and other analogous cases*** in CWJC No. 6672 of 2019 vide order dated 06.10.2021, the copy of which has been



brought on record by way of Annexure – 4 to the writ petition.

5. At this juncture, learned counsel for the University submits that so far the claim of the petitioner with respect to the medical allowance is concerned, the same has already been paid to the petitioner, however, if the petitioner is not satisfied, with the response to his claim, he may file a proper representation before the Registrar, J P University, who shall consider the claim of the petitioner and dispose of the same.

6. In view of the submissions advanced on behalf of the learned counsel for the respective parties, the present writ petition stands disposed of with a liberty to file an appropriate representation before the respondent no. 4, preferably within a period of four weeks. If such a representation is filed, the respondent no. 4 shall consider and dispose of the same, by a reasoned order, within a further period of eight weeks.

7. Needless to observe that, in case, the claim of the petitioner finds favour, the consequential benefits shall also be accorded to the petitioner, within the period aforesaid.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2024.
Transmission Date	NA

