

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7214 of 2024

Dr. Shashi Shekhar Jha S/o Shobha Kant Jha resident of- Rajkumar Ganj,
P.O.- Lalbag, District- Darbhanga, retired Associate Professor, Department of
Sanskrit, J.K. College Biraul, Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Govt. of Bihar, Patna
2. Additional Chief Secretary Education Department, Govt. of Bihar, Patna
3. The Director Higher Education, Govt. of Bihar, New Secretariat, Patna
4. The Vice- Chancellor L.N. Mithila University, Darbhanga
5. The Registrar L.N. Mithila University, Darbhanga
6. The Finance Officer L.N. Mithila University, Darbhanga
7. The Principal J.K. College Biraul, Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Shashi Bhushan Singh, Advocate
For the State	:	Mr. Subhash Chandra Mishra, SC-16
For the L.N.M.U.	:	Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 05-12-2024

Heard learned counsels for the parties.

2. This writ application has been filed for setting aside Memo No. 594 dated 20.02.2023 issued under the signature of the Director Higher Education, Govt. of Bihar, New Secretariat, Patna (Respondent No. 3) with respect to the petitioner whereby the appointment of the petitioner and some others has been held to be illegal and also for setting aside Memo No. SC/51/23 dated 22.02.2023 issued by the Registrar L. N. Mithila University, Darbhanga (Respondent No. 5) by



which the payment of any benefit has been stopped in view of letter of the State Government, as the aforesaid order is in the teeth of the law laid down by this Hon'ble Court vide its judgement dated 12.01.2024 passed in *C.W.J.C. No. 9131 of 2022* and analogous cases, moreover the petitioner has been absorbed in the service keeping in view the direction of this Hon'ble Court as well as the Hon'ble Chancellor, Universities of Bihar, after following the due procedure. Further prayer has been made for commanding the respondent-Authorities to make payment of the pension and pensionary dues of the petitioner with interest which is stopped from February, 2023.

3. Learned counsel appearing on behalf of the petitioner submits that the issue raised in the instant writ application is no more *res integra* as the same has already been decided by a Co-ordinate Bench of this Hon'ble Court vide order dated 12.01.2024 passed in *C.W.J.C. No. 9131 of 2022* and *C.W.J.C. No. 5914 of 2023* wherein same memo has already been quashed with respect to the petitioners therein.

4. In this case, the respondent-L. N. Mithila University has filed a counter-affidavit wherein it is stated that in spite of repeated requests for issuance of guidelines, the State Government has not taken any proper steps for compliance of



the order passed by this Hon'ble Court vide order dated 12.01.2024 passed in *C.W.J.C. No. 9131 of 2022* and *C.W.J.C. No. 5914 of 2023*.

5. Having heard the rival submissions advanced on behalf of the parties and from perusal of the materials available on record, it is not in dispute that the issue raised in the instant writ application has already been decided by a Co-ordinate Bench of this Hon'ble Court vide judgment dated 12.01.2024 passed in *C.W.J.C. No. 9131 of 2022* and *C.W.J.C. No. 5914 of 2023* and case of the petitioner is fully covered by the same.

6. In view of the same, this Court has no hesitation and hereby quashes and sets aside the Memo No. 594 dated 20.02.2023, as contained in Annexure-P-13/1 to the instant writ application, issued under the signature of the Director Higher Education, Govt. of Bihar, New Secretariat, Patna (Respondent No. 3) and Memo No. SC/51/23 dated 22.02.2023, as contained in Annexure-P-13 to the instant writ application, issued by the Registrar L. N. Mithila University, Darbhanga (Respondent No. 5), with respect to this petitioner only.

7. The State Government is directed to comply with the order of this Hon'ble Court dated 12.01.2024 passed in *C.W.J.C. No. 9131 of 2022* and *C.W.J.C. No. 5914 of 2023* and



issue appropriate orders in this connection, as early as possible, preferably within a period of three months from the date of receipt/production of a copy of this order.

8. Thereafter, the respondent-University is directed to make payment of entire retiral dues admissible to the petitioner, in accordance with law, as early as possible, preferably within a period of three months from the date of issuance of appropriate orders by the State Government.

9. With the aforesaid observations and directions, this writ application stands allowed.

(Prabhat Kumar Singh, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.12.2024
Transmission Date	NA

