

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8644 of 2022

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Aparna Kumari @ Aparna Kumari Sharma W/o Late Sri Prakash Sharma,
Resident of Mohalla-Majaulia, near M.P.S. Science College, Muzaffarpur,
MajauliKhetal, Muzaffarpur, P.S. Bhagawanpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Govt. of Bihar.
2. The BRA Bihar University through its Registrar, having office at Muzaffarpur.
3. The Vice-Chancellor, BRA Bihar University, Muzaffarpur.
4. The Finance Officer, BRA Bihar University, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sri Niwas Jha, Advocate
For the Respondent/s	:	Mrs. Binita Singh, SC-28
For the University	:	Mr. Indrajesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 14-11-2024

Heard the parties.

2. The petitioner, who superannuated on 31.07.2021, from the post of Professor, B.R.A. Bihar University, Muzaffarpur has invoked the jurisdiction of this Court seeking a direction upon the respondent University to grant commutation of pension and pay from the due date with the cost of the proceeding.

3. Learned Advocate for the petitioner contended that the petitioner was initially appointed as a Lecturer in the Department of History at Women's College, Samastipur on 25.03.1979. On being found eligible, she was promoted to the post of Reader and thereafter as University Professor of History



with effect from 01.06.1989 and 25.03.1995 respectively. Subsequent thereto, the petitioner was transferred to the P.G. Department of B.R.A. Bihar University, Muzaffarpur and finally, while the petitioner was working as a Dean of Social Science, she superannuated on 31.07.2021.

4. Drawing the attention of this Court to the resolution dated 16.08.2012, as contained in Letter No. 1674, learned Advocate for the petitioner thus contended that in any view of the matter the petitioner is entitle to get the commutation of pension and for the said purpose, the petitioner has filed an application on 06.12.2021, which has also been brought on record by way of Annexure-P/2. Despite the aforesaid facts and the resolution issued by the Government of Bihar in the Department of Education, the petitioner has not been accorded the commutation of pension.

5. Learned Advocate for the petitioner further contended that in identical matter, one Shivnath Thakur, who was holding the post of Associate Professor in B.R.A. Bihar University, when despite his representation, he has not been accorded the benefit of commutation of pension, approached before this Court in CWJC No. 16785 of 2015, wherein the Hon'ble Court vide its order dated 22.12.2016, having taken



note of the fact that the petitioner of the said writ petition is entitled to commutation of his pension as he was working in the University under different capacities in legal and valid manner for over four decades; held that the University cannot deny the benefits under the scheme to the petitioner on the ground of paucity of fund especially when the specific stand on behalf of the State is that it is regularly releasing grant-in-aid and additional grants to the Universities for making payment of retiral dues of its employees, who have been working in legal and valid manner and the petitioner did apply for commutation of pension within five months of his retirement on superannuation for commutation of pension. The learned Court has further directed the Registrar and the Vice Chancellor of the University to release payment of amount *in lieu* of commuted portion of pension, surrendered by the petitioner voluntarily, within a period of four months. The copy of the order of this Court dated 22.12.2016 has been produced before this Court and taken on record.

6. Learned Advocate for the respondent, at this stage, submitted that since the petitioner has filed an application for commutation of pension and the same is pending before the concerned respondent, the same shall be brought to its logical



conclusion and if the claim of the petitioner finds favour, necessary consequential order shall be passed.

7. Considering the submissions advanced on behalf of the learned Advocate for the respective parties and taking note of the observation made by this Court in CWJC No. 16785 of 2015, this Court deems it fit and proper to dispose off the present writ petition in similar terms of the order of this Court dated 22.12.2016, passed in CWJC NO. 16785 of 2015, directing the respondent nos. 2 and 3 to consider the claim of the petitioner for payment of amount *in lieu* of commuted pension, preferably within a period of three months, from today.

8. Suffice it to observe that the petitioner superannuated on 31.07.2021 and the matter is pending since long. The respondent authorities are cautioned to adhere with the stipulated period.

9. The writ petition stands disposed off with the direction aforesaid.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.11.2024
Transmission Date	NA

