

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18824 of 2021

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Pawan Kumar Jha Son of Deo Narayan Jha Resident of Amla Tola, Town and
P.S. and District- Katihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Purnea University, Purnea through the Registrar.
3. The Vice Chancellor, Purnea University, Purnea.
4. The Registrar, Purnea University, Purnia.
5. The Financial Advisor, Purnea University, Purnea.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Rakesh Kumar Jha, Advocate
For the Purnea University:		Mr. Rakesh Kumar Samrendra, Advocate
For the Respondents	:	Smt. Binita Singh, SC-28
		Mr. Nishant Jha, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

5 01-04-2024 Heard Mr. Rakesh Kumar Jha, learned counsel for the

petitioner, Mr. Nishant Jha, learned counsel for the State and Mr.

Rakesh Kumar Samrendra, learned counsel for the Purnea

University.

2. The petitioner, who was appointed as
Lecturer/Assistant Professor on 02.11.1983 in L.N. Mithila
University and retired as Professor from Purnea University on
28.02.2021, has filed this writ petition against the respondent
authorities for payment of his gratuity, leave encashment, and
group insurance.

3. The respondents 2 to 5 have filed a counter



affidavit wherein, it has been stated that the gratuity, leave encashment and group insurance of the petitioner have not been paid because of the pendency of ***CWJC No. 11332 of 2017, Sri Kewal Jha Vs. The Vice Chancellor, L.N. Mithila University and others*** before the High Court, in which writ petition appointment of the petitioner as well as degree obtained by him is under challenge.

4. The petitioner has filed a rejoinder to the counter affidavit filed by the respondent nos. 2 to 5 wherein, the petitioner has annexed a copy of the CWJC No. 11332 of 2017 mentioned by the respondent Nos. 2-5 in the counter affidavit to contend that neither the petitioner's appointment nor the petitioner's degree is under challenge in that writ petition, but what the writ petitioner in that writ petition has prayed for is the conclusion of the enquiry ordered by the Deputy Secretary, Governor's Secretariat, Bihar on 03.07.2003. In the rejoinder affidavit it has also been pointed out that while the Deputy Secretary, Governor's Secretariat, Bihar had ordered an enquiry against the petitioner, regarding his Ph.D degree, vide letter dated 03.07.2003, in response to the aforesaid letter dated 03.07.2003 to the Deputy Secretary, Governor's Secretariat, Bihar, the Registrar, L.N. Mithila University had already written



a letter dated 08.09.2003 to the Deputy Secretary, Governor's Secretariat, Bihar, wherein it was informed that no discrepancy in the Ph.D registration of the petitioner has been found.

5. I have perused the writ petition (**CWJC No. 11332 of 2017**) annexed as Annexure – 6 in the rejoinder affidavit filed by the petitioner to the counter affidavit filed by the respondent Nos. 2 -5. On perusal of the writ petition (**CWJC No. 11332 of 2017**) it appears that the writ petition has been filed by one Shri Kewal Jha by making a prayer in Para 1A of the writ petition wherein, the petitioner has sought a writ in the nature of mandamus to the concerned authority to conclude the enquiry ordered in terms of the letter dated 03.07.2003 issued by the Deputy Secretary, Governor's Secretariat, Bihar vide Memo No. 1299/GS(I). Thus on perusal of the writ petition mentioned by the respondent Nos. 2-5 in the counter affidavit filed, I find that neither the petitioner's appointment as Lecturer/Assistant Professor in the university is under challenge nor the degree of the petitioner is directly under challenge in the writ petition mentioned above. What, however, the writ petitioner in the said writ petition has prayed for, is the conclusion of the enquiry directed by the Deputy Secretary, Governor's Secretariat, Bihar on 03.07.2003.



6. I have also perused the letter written to the Deputy Secretary, Governor's Secretariat, Raj Bhawan, Patna by the Registrar of L.N. Mithila University in pursuance of the letter dated 03.07.2003 of the Deputy Secretary, Governor's Secretariat, Bihar regarding irregularities committed in response to Ph.D degree of the present petitioner wherein, it was communicated by the Registrar, L.N. Mithila University that no discrepancy in the Ph.D registration of the present petitioner has been detected.

7. Under the circumstances, I find that the reason given by the respondent Nos. 2-5 in the counter affidavit filed for denying the gratuity, leave encashment and group insurance of the petitioner that the petitioner's appointment and the degree is under challenge in the writ petition (CWJC No. 11332 of 2017) is found to be incorrect.

8. In that view of the matter, this writ petition is hereby disposed of with a direction to the respondent authorities to pay to the petitioner the gratuity, leave encashment and group insurance, along with admissible interest, as expeditiously as possible and in any case not later than two months from the date of receipt of the certified copy of the order of this Court. Such payment of gratuity, leave encashment and group insurance to



the petitioner by the respondent authorities shall, however, be subject to the final order(s) that may be passed in CWJC No. 11332 of 2017.

9. This writ petition is disposed of with the above direction.

(Nani Tagia, J)

Siddharth
Sagar/Nishant-

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