

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20596 of 2019

Dr. Madhulika Sharma W/o Amarnath Singh, Resident of Road No. 1, Shree Krishna Nagar, Near Smarak Gate, P.S.- Begusarai, District- Begusarai, retired as Associate Professor, Department of Home Science, Co-operative College, Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The Vice- Chancellor, L.N. Mithila University, Darbhanga.
4. The Registrar, L.N. Mithila University, Darbhanga.
5. The Finance Officer, L.N. Mithila University, Darbhanga.
6. The Principal, Co-operative College, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Advocate Mr. Indrajesh Kumar, Advocate Mr. Bipin Kumar, Advocate
For the State	:	Smt. Binita Singh SC-28
For the LNMU University	:	Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 30-07-2024

Heard Mr. Shashi Bhushan Singh, learned Advocate for the petitioner and Mr. Shailesh Kumar, learned Advocate for the L.N. Mithila University.

2. The petitioner superannuated on 30.04.2016 from the post of Associate Professor, Department of Home Science, Co-operative College, Begusarai; a constituent college of L.N. Mithila University, Darbhanga; has invoked



the prerogative writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking a direction upon the respondent-authorities for payment of all her post retiral and other admissible dues, the particulars of which have been mentioned in paragraph-1 of the writ petition.

3. Learned Advocate for the petitioner fairly contended that during the pendency of the writ petition, all other substantive retiral benefits and other dues have been paid to the petitioner, except earned leave for 16 days and 12% interest over the GIC amount. It is also contended that though the respondent/University has contended that the amount of gratuity has been paid but in this regard no document has been brought on record to substantiate the contention.

4. So far the claim of earned leave for the period of 16 days is concerned, it is contended that despite the fact that the petitioner has superannuated on 30.04.2016, the calculation for earned leave benefit has been made on the basis of 12 days per year w.e.f. 27.07.1998 till the date of retirement under the limit of 180 days up to 14.09.2006 and thus a wrong calculation has been made. The mode and



manner of calculation as has been made by the University for the purpose of grant of earned leave had been assailed before this Court in C.W.J.C. No. 11219 of 2011 (Annexure-1 to the writ petition). The learned co-ordinate Bench of this Court vide its order dated 31.08.2015, has deprecated the method of such calculation, is the contention of learned Advocate for the petitioner. It is next contended that so far the claim of 12.5% interest over the GIC amount is concerned, the issue has been set at rest by the learned Coordinate Bench of this Court in the case of **Devata Devi v. The State of Bihar and Others and another analogous case in [C.W.J.C. No. 6672 of 2019 along with C.W.J.C. No. 7735 of 2019]**. In the aforesaid case, this Court has directed the University to ensure payment of GIC along with the interest of 12.5%.

5. *Per contra*, learned Advocate for the University vigorously contended that the petitioner has already been paid 8% of compound interest of GIC amount. The payment of 12.5% compound interest over the GIC amount has been restricted by the University in the light of the direction received from the State Government as per Resolution of



the Finance Committee dated 04.09.2021 and subsequently, notified vide University Memo No. C/LC-9915-10014/21 dated 07.09.2021 duly approved by the Syndicate on 19.12.2021. By the aforesaid notification, it is resolved to make payment of the amount of the Group Insurance with simple saving bank account interest rate. Learned Advocate for the University also contended that in some of the cases where direction was given to ensure payment of 12.5% over the GIC amount, the University has preferred L.P.As., which are pending consideration and the University shall abide by the decision of the learned Division Bench.

6. Regard being had to the submissions advanced by the learned counsels for the respective parties and considering the nature of limited grievance, this Court deems it proper to direct the Registrar of L.N. Mithila University Darbhanga to consider the claim of the petitioner for 16 days of remaining earned leave in the light of the judgment of this Court rendered in C.W.J.C. No. 11219 of 2011 (Annexure 1 to the writ petition) and pass a reasoned and speaking order, preferably within a period of six weeks from the date of receipt/production of a copy of this order.



7. It is made clear that in case, the claim of the petitioner is found admissible, the consequential amount must be paid to him.

8. So far the claim of 12.5% interest over the GIC amount is concerned, suffice it to observe that the matter is pending before the learned Division Bench of this Court, which would have material bearing over the issue and, as such, the party shall be abide by the judgment/order of the Division Bench.

9. It is also expected that respondent no. 4 shall also inform the petitioner with respect to payment of gratuity amount within the period stipulated.

10. In view thereof, the writ petition stand disposed of.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01-08-2024
Transmission Date	

