

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18013 of 2022

Abhay Nath Jha Son of Birendra Nath Jha Resident of Near Kali Mandir, P.O. and P.S. and District- Madhubani, Pin Code- 847211.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through the Registrar.
3. Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
4. Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
5. Principal, Deo Shankar Haldhar Choudhary Sanskrit College, Chanpura (Basaith), Post Dhanushi Chanpura, District- Madhubani, Pin Code- 847202.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
For the Resp No. 1	:	Mr. Madhukar Mishra, Advocate
For the Resp Nos. 2 to 4	:	Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 17-02-2024

Heard Mr. Abhinav Srivastava, learned counsel for the petitioner, Mr. Madhukar Mishra, learned counsel for the respondent no. 1 and Mr. Deepak Kumar, learned counsel for the respondent Nos. 2 to 4.

2. The writ petitioner who had retired on 30.09.2020 on attaining the age of superannuation from the post of Principal, Deo Shankar Haldhar Choudhary Sanskrit College, Chanpura (Basaith), Madhubani has preferred this writ petition praying for direction to the respondent authorities to pay pension,



gratuity and other retirement benefits of the petitioner.

3. Learned counsel representing the respondent Nos. 2 to 4 has handed over a copy of counter affidavit filed on behalf of the University authority across the board which is taken on record.

4. In paragraph 12 of the counter affidavit filed by the University authority/respondent Nos. 2 to 5 it has been stated that as per calculation made, a total amount of Rs. 74,40,440/- is payable to the petitioner against retirement dues and arrears of pension. It is further stated that the University authority has requested the government for release of fund so that payment could be made to the petitioner.

5. In the counter affidavit filed by the respondent No. 1 in paragraph No. 11 thereof, it is stated that an amount of Rs. 6,64,00,000/- has been sanctioned on 21.05.2021 for payment of post retirement dues under triple benefit scheme to the employees deficit grant in aid colleges under Kameshwar Singh Darbhanga Sanskrit University, who retired after 31.08.2010. It is further stated that out of the sanctioned amount, Rs. 4,66,54,000/- has been transferred in the account of the University.

6. Since the liability to pay the petitioner's pension and



other retirement dues have not been disputed by the respondent authorities and the University authority in the counter affidavit filed, has specifically admitted the liability to pay a sum of Rs. 74,40,440/- to the petitioner as the retirement dues and also it being the settled position of law that the paucity of fund cannot be a justifiable ground to deny the legal entitlement of the petitioner, this writ petition is disposed of with a direction to the respondent authorities to pay to the petitioner a sum of Rs. 74,40,440/- as admitted to be payable to the petitioner by the University authority in the counter affidavit filed herein above, as expeditiously as possible and in any case not later than four weeks from the date of receipt of a certified copy of the order.

7. Writ petition is disposed of with the above directions.

(Nani Tagia, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

