

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16035 of 2023

Shubhendra Nath Thakur, (Male), aged about 66 years, Son of Late Indra Nath Thakur Resident of Ram Janki Colony, P.S.-Rahika, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education Department, Government of Bihar, Patna.
2. The Kameshwar Singh Darbhanga Sanskrit University through its Registrar, Kameshwar Nagar, Darbhanga.
3. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga (hereinafter referred as K.S.D.S.U.).
5. The Finance Officer, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
6. The Governing Body of Lakshmishwari Priya Raj Laxmi Sanskrit College Samaul District-Madhubani.
7. The Principal, Lakshmishwari Priya Raj Lakmi Sanskrit College Samaul, District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kripa Nand Jha, Advocate
For the State	:	Mr. Kameshwar Kumar, GP-17
For the University	:	Mr. Bijay Kumar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 05-04-2024

Heard Mr. Kripa Nand Jha, learned counsel appearing on behalf of the petitioner; Mr. Kameshwar Kumar, learned GP-17 appearing on behalf of the State and Mr. Bijay Kumar Pathak, learned counsel appearing on behalf of the University.

2. The petitioner, who retired from service on



31.10.2022 on attaining the age of superannuation from the post of Lecturer in Lakshmishwari Priya Raj Lakmi Sanskrit College affiliated to Kameshwar Singh Darbhanga Sanskrit University, has filed this writ petition seeking a direction to the respondents for payment of gratuity, provident fund, earned leave and remaining 10% of the pension along with interest at the rate of 10 %.

3. In the counter affidavit filed by the respondents, the respondents have not denied the entitlement of the petitioner to receive gratuity, provident fund, earned leave and the remaining 10% of the pension of the petitioner.

4. Under the circumstances, in the proceeding held on 19.02.2024, Mr. Vijay Kumar Pathak representing the respondent University had submitted that the retiral dues of the petitioner shall be paid to the petitioner by the University within four weeks.

5. Learned counsel for the petitioner, however, submits that though in the proceeding held on 19.02.2024 the learned counsel for the respondent University had submitted that the university authorities will pay to the



petitioner his retiral dues within four weeks, but the petitioner has not yet been paid the retiral dues.

6. Mr. Vijay Kumar Pathak, learned counsel for the respondent University today submits that though the petitioner is entitled to the retiral dues as prayed for in the writ petition, but the same could not be paid to him due to want of fund which is required to be released by the State Government and the State Government has not released the requisite fund.

7. Mr. S.K. Ranjan, learned AC to GP-17 representing the State Government submits that the State Government did not release the requisite fund to the University authorities because the University authorities did not submit any requisition to the State Government demanding the required funds.

8. In view of such submissions made by the learned counsel representing State Government, Mr. Vijay Kumar Pathak, learned counsel for the respondent University submits that the University authorities shall submit a requisition, demanding the requisite fund to the State Government immediately.



9. Having taken note of the submissions made by the learned counsel for the State Government as well as learned counsel for the respondent University, this writ petition is, hereby, disposed of with a direction to the authorities of the University namely, respondent nos. 2 to 5, to submit a requisition to the State Government demanding the required fund for the payment of the retiral dues of the petitioner within a period of one week from today. Thereafter, the respondent no.1- the Principal Secretary Higher Education Department, Government of Bihar, Patna shall release the fund demanded by the University authorities within a period of two weeks from the date of receipt of the requisition from the University.

10. Upon receipt of the required fund from the State Government, as stipulated hereinabove, the University authorities namely, respondent nos. 2 to 5 shall pay the retiral dues as prayed for in the writ petition, to the petitioner within a period of two weeks thereafter. In other words, the entire exercise of payment of the retiral dues to the petitioner shall be made by the respondent nos. 1 to 5 within a period of five weeks from today.



11. If the respondent nos. 1 to 5 fails to pay the retiral dues as prayed for by the petitioner in the writ petition, within the period stipulated hereinabove, the amount due shall carry an interest of 10% per annum from the date it was due till the date of its actual payment.

12. The writ petition stands disposed of with the above directions.

(Nani Tagia, J)

Nilmani/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.04.2024
Transmission Date	NA

