

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1588 of 2024

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Janki Prasad Choudhary, Son of Sri Beekal Choudhary, Resident of Teachers Colony, Barheta Road, South of Nahar, P.S.- Bahadurpur, Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Vice Chancellor, L.N.M.U., Darbhanga.
3. The Registrar, L.N.M.U., Darbhanga.
4. The Finance Officer, L.N.M.U., Darbhanga.
5. The Principal, B.M.A. College, Baheri, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Advocate Mr. Abhay Kumar, Advocate
For the University	:	Mr. Iqbal Asif Niazi, Advocate
For the State	:	Mr. Anil Kumar Singh, G.P. No. 26

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-08-2024 Heard Mr. Ajit Kumar, learned Advocate for the petitioner and Mr. Anil Kumar Singh, learned Government Pleader no. 26. The university is represented by Mr. Iqbal Asif Niazi, learned Advocate.

2. The petitioner superannuated on 31.12.2018 from the post of Physical Training Instructor, B.M.A. College, Baheri under the L.N. Mithila university has filed the writ petition under Article 226 of the Constitution of India seeking a direction upon the respondent university to ensure payment of the difference amount on entire terminal dues such as gratuity,



earned leave, G.I.C. in view of fixation of scale by Pay Verification Cell, Education Department, Government of Bihar on the basis of recommendation of 7th Pay Commission.

3. Learned Advocate for the petitioner referring to the averments made in the counter affidavit filed on behalf of respondent no. 1 has submitted that the Pay Verification Cell of the Education Department has already verified the salary and the other entitlement of the petitioner in the light of the recommendation of 7th Pay Commission and now the university is under obligation to ensure the payment of differential amount on all the retiral/ terminal dues of the petitioner. It is also contended that on account of recommendation of the 7th Pay Commission the petitioner is also required to receive the arrears of difference of salary till the date of his retirement.

4. Learned Advocate for the university fairly submitted that if the pay verification of the petitioner has already been done by the Pay Verification Cell of the Education Department, the same is required to be paid in accordance with law.

5. Considering the submissions advanced on behalf of the parties and taking note of the admitted position, the present writ petition stands disposed of with a direction to the



respondent no. 3 and 4 to ensure payment of all the admissible
retiral/terminal dues, as well as arrears of salary in view of the
fixation of the scale by Pay Verification Cell, Education
Department on the basis of recommendation of 7th Pay
Commission preferably within a period of 10 weeks from the
receipt/production of a copy of this order.

6. Needless to observe that the Pay Verification of the
petitioner has already been done way back in the year 2019
itself, thus the university must adhere to the time prescribed by
this Court.

(Harish Kumar, J)

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