

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4350 of 2022

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Nagendra Sharma Son of Late Nandu Singh, Resident of Mohalla - Shastri Nagar, P.O. and P.S. - Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, Magadh University, Bodh-Gaya, District - Gaya.
4. The Registrar, Magadh University, Bodh-Gaya, District - Gaya.
5. The Principal, S.B.A.N. College, Derhetalari, District - Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Prabhakar Jha, GP-27
For the Magadh University	:	Mr. Om Prakash Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 03-04-2025 None appears on behalf of the petitioner.

2. Mr. Om Prakash Kumar, learned Advocate for the Magadh University and the learned Advocate for the State are present.

3. The petitioner by invoking the writ jurisdiction of this Court seeking issuance of a writ in the nature of mandamus directing the respondent to discharge their statutory obligation and to make payment of the amount of gratuity to the tune of Rs. 20,00,000/- instead of Rs. 10,00,000/- due towards petitioner, who superannuated as a Reader, Department of History from SBAN College, Derhetalari, District-Arwal on



31.03.2017.

4. Learned Advocate for the University while refuting the contention of the petitioner has contended that true it is that the State Government not bound by the recommendations of the 7th Central Pay Commission, which had come into force with effect from 01.01.2016. However, the actual benefits have been accorded with effect from 01.04.2017. The similar issue has come up for consideration before the learned Division Bench of this Court in the case of Satish Kumar Singh & Anr. Vs. The State of Bihar & Ors., CWJC No. 10884 of 2019 and other analogous cases, where the learned Division did not interfere in the matter and held that the prescription of 01.04.2017 for revision of pay and pension as also gratuity, cannot be found to be discriminatory only because, subsequently the State Government thought it fit to revise the pension notionally from 01.01.2016. The Court has further clarified that it was an additional benefit granted to the employees, moreover, the notional benefit conferred insofar as pension and pay during the period of 01.01.2016 to 01.04.2017, does not inure insofar as death cum retiral gratuity paid; which is a one-time measure not capable of being enhanced notionally. It has further been apprised to this Court that so far the gratuity which is admissible to the



petitioner is concerned, the same has already been paid to the petitioner in the year 2017 itself.

5. Considering the submissions advanced by the learned Advocate for the University, this Court finds no merit in the present writ petition.

6. Accordingly, the present writ petition stands dismissed.

(Harish Kumar, J)

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