

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.196 of 2022

In
Civil Writ Jurisdiction Case No.3754 of 2021

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1. The Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga through its Registrar.
 2. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
 3. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.

... .. Appellant/s

Versus

1. Yogendra Roy @ Yogendra Ray Son of Late Ramjee Roy, resident of Mohalla and P.O. - Jitwarpur Hasanpur, Police Station- Samastipur Mufassil, District- Samastipur.
2. The State of Bihar through Commissioner-Cum- Secretary, Human Resources Department (Higher Education) Govt. of Bihar, Patna.
3. The Director, Higher Education, Govt. of Bihar, Patna.
4. The Principal, B.R.B. College, Samastipur.

... .. Respondent/s

with
Letters Patent Appeal No. 138 of 2022
In
Civil Writ Jurisdiction Case No.17279 of 2018

1. The Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga through its Registrar.
2. The Vice- Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.

... .. Appellant/s

Versus

1. Ram Shankar Prasad Singh Son of Late Ram Padarath Prasad Singh, Resident of Village- Bibhutipur, Police Station- Bibhutipur, District- Samastipur.
2. The State of Bihar through Commission-cum- Secretary, Human Resource Department (Higher Education), Government of Bihar, Patna.
3. The Principal Diwan Bahadur Kameshwar Narayan D.B.K.UN College, Narhan, Samastipur.

... .. Respondent/s

with



Letters Patent Appeal No. 163 of 2022
In
Civil Writ Jurisdiction Case No.249 of 2021

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1. The Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga through its Registrar.
 2. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar, Nagar, Darbhanga.
 3. The Finance Officer, Lalit Narayan Mithila University, Kameshwar, Nagar, Darbhanga.

... .. Appellant/s

Versus

1. Narayan Poddar Anand Son of Late Dwarika Poddar Resident of Mohalla-Mathurapur Ward No.14, Police Station-Warisnagar (Mathurapur O.P.), District-Samastipur.
2. The State of Bihar through Commissioner-Cum-Secretary, Human Resources Department (Higher Education), Govt. of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Principal, Bali Ram Bhagat College, Samastipur.

... .. Respondent/s

with
Letters Patent Appeal No. 193 of 2022
In
Civil Writ Jurisdiction Case No.349 of 2021

1. The Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga through its Registrar.
2. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.

... .. Appellant/s

Versus

1. Bina Rai W/o Late Rameshwar Rai Yadav @ Late Rameshwar Rai Resident of Mohalla- Madhuri Chowk Road No- 10, Ward No.29, Bahadurpur Samastipur, Police Station- Town, District- Samastipur.
2. The State of Bihar through Commissioner-cum-Secretary, Human Resources Department (Higher Education), Govt. of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Principal, Samastipur College, Samastipur.

... .. Respondent/s



with
Letters Patent Appeal No. 205 of 2022
In
Civil Writ Jurisdiction Case No.21744 of 2018

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1. The Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga through its Registrar
 2. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
 3. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.

... .. Appellant/s

Versus

1. Ram Chandra Thakur son of Late Niras Thakur resident of Village- Bhirha, Police Station- Rosera, District- Samastipur.
2. The State of Bihar through Commissioner-Cum- Secretary, Human Resources Department (Higher Education), Govt. of Bihar, Patna.
3. The Director, Higher Education, Govt. of Bihar, Patna.
4. The Principal, U.R. College, Rosera, Samastipur.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 196 of 2022)

For the Appellant/s : Md.Nadim Seraj, Advocate
Mr.Shailesh Kumar, Advocate
For the Respondent/s : Mr.Shashi Bhushan, Advocate
Mr.Ranjan Kumar, Advocate
For the State : Mr.Rohitabh Das, AC to AAG13

(In Letters Patent Appeal No. 138 of 2022)

For the Appellant/s : Md.Nadim Seraj, Advocate
Mr.Shailesh Kumar, Advocate
Md.Afham Akhtar, Advocate
For the Respondent/s : Mr.Shashi Bhushan, Advocate
Mr.Ranjan Kumar, Advocate

(In Letters Patent Appeal No. 163 of 2022)

For the Appellant/s : Md.Nadim Seraj, Advocate
Mr.Iqbal Asif Niazi, Advocate
Md.Afham Akhtar, Advocate
For the Respondent/s : Mr.Shashi Bhushan, Advocate
Mr.Ranjan Kumar, Advocate

(In Letters Patent Appeal No. 193 of 2022)

For the Appellant/s : Md.Nadim Seraj, Advocate
Mr.Iqbal Asif Niazi, Advocate
Md.Afham Akhtar, Advocate
For the Respondent/s : Mr.Shashi Bhushan, Advocate
Mr.Ranjan Kumar, Advocate

(In Letters Patent Appeal No. 205 of 2022)

For the Appellant/s : Md.Nadim Seraj, Advocate
Mr.Shailesh Kumar, Advocate
Md.Afham Akhtar, Advocate



For the Respondent/s : Mr.Shashi Bhushan, Advocate
Mr.Ranjan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 03-03-2025 **Re:I.A. No. 02 of 2022 (in LPA No. 138 of 2022)**

Heard I.A. No. 02 of 2022 (in LPA No. 138 of 2022).

There is a delay of about 378 days in filing LPA. For the reasons stated in application and read with affidavit, delay of about 378 days in filing LPA No. 138 of 2022 stands condoned. Accordingly, I.A. No. 02 of 2022 (in LPA No. 138 of 2022) stands allowed.

Re:I.A. No. 02 of 2022 (in LPA No. 163 of 2022)

2. Heard I.A. No. 02 of 2022 (in LPA No. 163 of 2022). There is a delay of about 112 days in filing LPA. For the reasons stated in application and read with affidavit, delay of about 112 days in filing LPA No. 163 of 2022 stands condoned. Accordingly, I.A. No. 02 of 2022 (in LPA No. 163 of 2022) stands allowed.

Re:I.A. No. 02 of 2022 (in LPA No. 193 of 2022)

3. Heard I.A. No. 02 of 2022 (in LPA No. 193 of 2022). There is a delay of about 04 months and 06 days in filing LPA. For the reasons stated in application and read with



affidavit, delay of about 04 months and 06 days in filing LPA No. 193 of 2022 stands condoned. Accordingly, I.A. No. 02 of 2022 (in LPA No. 193 of 2022) stands allowed.

Re:I.A. No. 01 of 2022 (in LPA No. 205 of 2022)

4. Heard I.A. No. 01 of 2022 (in LPA No. 205 of 2022). There is a delay of about 109 days in filing LPA. For the reasons stated in application and read with affidavit, delay of about 109 days in filing LPA No. 205 of 2022 stands condoned. Accordingly, I.A. No. 01 of 2022 (in LPA No. 205 of 2022) stands allowed.

5. Core issue in the present *lis* is whether respondents are entitled to 12.5% interest on Insurance-cum-Saving-Scheme or not. The State Government evolved a scheme called Insurance-cum-Saving-Scheme on 29.03.1982 along with the 6% interest. Thereafter, it was revised on 13.07.1985 to the extent of enhancing the rate of interest from 6% to 12.5%. The appellant-University have adopted the scheme of Insurance-cum-Saving-Scheme on 27.07.1985, the date on which revised scheme dated 13.07.1985 floated by State Government was in vogue. Reading of 27.07.1985 of the appellant-University, it is evident that *in toto* they have adopted State Government policy decision dated 13.07.1985.



6. In this backdrop, learned counsel for the appellant-University vehemently contended that they are not liable to pay 12.5% interest to the respondents. On the score that they have not adopted payment of interest at 12.5% while adopting State Government revised scheme dated 13.07.1985 on 27.07.1985. The appellants counsel could not apprise with reference to document dated 27.07.1985 by which they have adopted the State Government revised scheme dated 13.07.1985 insofar as excluding payment of interest at the rate of 12.5%. Therefore, one has to draw inference that whatever the revised Insurance-cum-Saving-Scheme floated by the State Government dated 13.07.1985 has been adopted for the purpose of University employees/Officers are to be adhered.

7. Learned counsel for the appellant relied on Single Judge order decision dated 13.01.2020 passed in CWJC No. 24571 of 2018 to contend that University is not liable to pay 12.5% interest. Learned Single Judge has not taken note of the dates and events read with the fact that appellant-University while adopting State Government revised scheme dated 13.07.1985 have not whispered a single word insofar as exclusion of rate of interest of 12.5%.

8. That apart Hon'ble Supreme Court in the case of



Nair Service Society Vs. Dr. T. Beermasthan & Ors. reported in ***(2009) 5 SCC 545***, in para 48, it is held as under:

“48. Several decisions have been cited before us by the respondents, but it is well established that judgments in service jurisprudence should be understood with reference to the particular service rules in the State governing that field. Reservation provisions are enabling provisions, and different State Governments can have different methods of reservation. There is no challenge to the Rules, and what is challenged is in the matter of application alone. In our opinion the communal rotation has to be applied taking 20 vacancies as a block.”

9. In the light of the principle laid down by the Hon'ble Supreme Court cited (supra) what is required to be examined in the present *lis* is two documents namely revised Insurance-cum-Saving-Scheme floated by the State dated 13.07.1985 and contents of the University resolution dated 27.07.1985 insofar as adoption of Insurance-cum-Saving-Scheme (Revised) of the State Government. Reading of the aforementioned documents, it is evident that the appellant-University have not excluded 12.5% interest so as to contend that the learned Single Judge has committed error in extending the benefit of 12.5% to the contesting respondents.

10. In the light of these facts and circumstances, the



appellants have not made out a case so as to interfere with the order of learned Single Judge dated 01.12.2021 passed in CWJC No. 3754 of 2021 and connected CWJC Nos. 17279 of 2018 (arising out of LPA No. 138 of 2022), 249 of 2021 (arising out of LPA No. 163 of 2022), 349 of 2021 (arising out of LPA No. 193 of 2022), 21744 of 2018 (arising out of LPA No. 205 of 2022).

11. Accordingly, the present LPA Nos. 196 of 2022 (The Lalit Narayan Mithila Univesrity & Ors. vs. Yogendra Roy & Ors.), 138 of 2022 (The Lalit Narayan Mithila Univesrity & Ors. vs. Ram Shankar Prasad Singh & Ors.), 163 of 2022 (The Lalit Narayan Mithila Univesrity & Ors. vs. Narayan Poddar Anand & Ors.), 193 of 2022 (The Lalit Narayan Mithila Univesrity & Ors. vs. Bina Rai & Ors.) and 205 of 2022 (The Lalit Narayan Mithila Univesrity & Ors. vs. Ram Chandra Thakur & Ors.) are dismissed.

12. Pending Interlocutory Application(s), if any, stand disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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