

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15001 of 2021

Dayakant Trivedi Son of Late Baleshwar Trivedi Resident of Mohalla-
Balmiki Nagar, Gorhna Road Ara, P.S.- Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Vice Chancellor, Veer Kunwar Singh University, Ara.
3. The Registrar, Veer Kunwar Singh University, Ara.
4. The Financial Advisor, Veer Kunwar Singh University, Ara.
5. The Finance Officer, Veer Kunwar Singh University, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Gaurav, Advocate Ms. Sheshadri Kumari, Advocate
For the State	:	Mr. Kameshwar Kumar (Gp17)
For the University	:	Ms. Nutan Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 07-08-2025

Heard Mr. Kumar Gaurav along with Ms. Sheshadri
Kumari, learned counsels appearing on behalf of the petitioner;
Mr. Kameshwar Kumar learned GP 17 for the State and Ms.
Nutan Sahay, learned counsel for the University.

2. Petitioner has *inter alia* prayed for following reliefs
in the paragraphs No.1 of the writ petition:-

*“That this is an application for issuance of writ
in the nature of ‘Mandamus’ or any other appropriate
writ/order/direction commanding the respondents to pay a
sum of Rs.7,92,645/- to the petitioner with statutory interest
which is due as salary/ honorarium against contractual
service of the petitioner after retirement due for the period
of 7.08.2018 to 06.08.2020 and 04.11.2020 to 31.01.2021.”*

3. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner had joined the service of the University on 01.09.1981 and his service was confirmed and thereafter he superannuated on 31.01.2018 from the post of Section Officer. The petitioner was engaged on contract basis after his retirement in terms of the guidelines issued in this regard, contained in Memo No.10000 dated 10.07.2015, issued by the State Government but his salary is not being paid to him.

4. A counter affidavit has been filed on behalf of the State Government, wherein it has been stated that the University had requested the Director, Higher Education vide letter dated 25.11.2021 to release an amount of Rs.10,17,379/- for payment of the petitioner and vide letter no.142 dated 29.01.2022, a request was made for supplying requisite particulars relating to the petitioner to the Vice-Chancellor by the Director, Higher Education. The Vice-Chancellor was again requested by the Director vide letter no.1457 dated 08.06.2022 but till date no such information has been supplied by the University.

5. In the present case, I find that there has been no laches on the part of the State Government particularly the Education Department and no reason has been assigned by the Vice-Chancellor of the University, as to why, the petitioner has not been paid a sum of Rs.7,92,645/-, in spite of the fund



having been earmarked in this regard, as has been admitted in paragraph no.11 of the counter affidavit filed on behalf of the State respondent.

6. At this stage, Ms. Nutan Sahay, learned counsel appearing on behalf of the University informs that today she has received counter affidavit filed on behalf of the State and prays for time to seek instruction, as to why, payments are not being made. I find that such excuse can only amount to be made intentionally to deny the due payment which is required to be paid to the petitioner.

7. Record reveals that the Vice-Chancellor of the University and the Registrar were being requested by the State Government to supply the requisite informations relating to the petitioner from the year 2018, but the Vice-Chancellor of the University, has ignored to answer the same, the resultant being that the petitioner has not been paid a sum of Rs.7,92,645/- which has been claimed in the present writ petition.

8. This Court finds that the petitioner also becomes entitled for interest @ 18% on the said amount on account of delayed payment till the date of final payment to the petitioner in view of the law declared by the Apex Court in cases of **State of Kerala v. M. Padmanabhan Nair** reported in (1985) 1 SCC



429 and **D.D. Tewari v. Uttar Haryana Bijli** reported in **(2014)**
8 SCC 894 to be paid from the pocket of the Vice-Chancellor
concerned responsible for the illegal act.

9. The writ petition is, accordingly, disposed of.
10. There shall be no order as to costs.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.08.2025
Transmission Date	NA

