

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10771 of 2024

Dr. Krishnanand Pandey @ Krishna Nand Pandey @ Dr. Krishnanand Pandey
son of Late Chatur Nand Pandey @ Chaturanand Pandey Resident of
mohalla- Block No. 13, Flat No. 115, South West of Munsii Premchand
Golambar, Rajendra Nagar, Patna, P.S- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary Education
Department Govt. of Bihar New Secretariat, Patna.
2. The Director of Higher Education, Education Department of the Govt. of
Bihar, Patna,
3. The Kameshwar Singh Darbhanga Sanskrit University, Darbhanga through
its Registrar.
4. The Vice-Chancellor of Kameshwar Singh Darbhanga Sanskrit University,
Darbhanga.
5. The Registrar of Kameshwar Singh Darbhanga Sanskrit University,
Darbhanga.
6. The Finance Officer of Kameshwar Singh Darbhanga Sanskrit University,
Darbhanga.
7. The Principal of Govt. Sanskrit College, Kazipur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Jha, Adv.
For the State	:	Mr. SunilKumar Mandal, SC 3
		Mr. Arjun Prasad, AC to SC 3
For the University	:	Mr. Deepak Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 02-04-2025

Heard the parties.

2. Rejoinder to the counter affidavit has been filed on
behalf of the petitioner and the same is taken on record.

3. The petitioner has approached this Court for the
following reliefs:

*“i). For issuance of direction to the
authorities concern to immediate provide*



the monthly pension of the petitioner from month to month after making proper fixation of the last salary of the petitioner in view of the UGC pay scale considering his continuous service period since 1.8.1980 to 30.11.2023 i.e. till the date of retirement as an Assistant Professor in Sahitya Department under the various constituent colleges of Kameshwar Singh Darbhanga Sanskrit University Darbhanga without any obstruction and stigma.

ii). For issuance of direction to the concern respondents to instantly ensure the payment of entire amounts of pension, gratuity, leave encashment, GIC etc alongwith remaining arrears of the salary of deducted amounts from February 2019 to December 2022 of the petitioner with statutory interest after considering his date of retirement as 30.11.2023 due to attaining the age of petitioner is 65 years.

iii). For issuance of direction to the authorities concern to provide the entire remaining dues of post retiral benefits of petitioner for which he is legally entitlement as per statutory provision of the Bihar State Universities Act 1976 and as such benefits has been given to the other similar situated employees of the



concern university.”

4. Learned Advocate for the petitioner referring to the averments made in the writ petition has contended that the petitioner after rendering more than 43 years of satisfactory service superannuated on 30.11.2023 from the post of Assistant Professor in Sahitya Department, Government Sanskrit College, Kazipur, Patna a constituent college of Kameshwar Singh Darbhanga Sanskrit University, Darbhanga. Notwithstanding the superannuation of the petitioner, when he has not been accorded the admissible retiral benefits and the monthly pension, including the arrears of salary, as has been disclosed in paragraph-1 of the writ petition, he preferred the present writ petition.

5. Mr. Sanjeev Kumar Jha, learned Advocate for the petitioner has taken this Court through various orders, including the order passed by a learned Co ordinate Bench of this Court in CWJC No. 8364 of 2023 and contended that other identically situated persons, whose claim for regularisation is also pending consideration before the Full Bench of this Court, like the petitioner, they have been accorded the admissible retiral benefits and other dues, but discrimination has been caused to the petitioner.



6. Learned Advocates for the University and the State submitted that since the matter pertaining to regularization is still pending before the Full Bench of this Court, hence any decision shall be taken after final outcome of the Full Bench.

7. Considering the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that other identically situated persons having approached this Court for identical relief have been allowed the retiral benefits and other dues as has been disclosed by the writ petitioner, the present writ petition also stands disposed of in terms of the order of this Court dated 25.02.2025 passed in CWJC No. 8364 of 2023, which is quoted hereinbelow:

“ xxx xxx xxx xxx

*23. In view of the foregoing discussions and in view of the order passed in the **Braj Kishor Singh & Ors. Vs. The State of Bihar & Ors 1997(1) BLJR 625**, admittedly, there is no requirement to take prior approval of the State Government, when the post is already sanctioned and the petitioner can be said to be legally appointed as the post was advertised and he was appointed after facing the interview for daily wages. In view of the Full Bench judgment, *Braj Kishore Singh (supra)* ‘post facto’ approval of the State Government is not required.*



24. *In the result, I set aside the memo no.3228 dated 28.10.2022 and corrigendum contained in Memo No.3562 dated 23.11.2022, passed by the respondent no.3.*
25. *The Authorities concerned are directed to pay the monthly pension to the petitioner and also pay the arrears of pension, if any, within two months from the date of production of a copy of this order.*
26. *It is made clear that the respondent no.3 will be held responsible for non-compliance of the order within the stipulated period.*
27. *With the aforesaid directions, this writ application stands allowed.”*

8. This writ petition also stands disposed with the aforesaid observation and direction. It is expected that the respondent authorities shall maintain uniformity in according the benefits, if identically situated persons have been accorded the similar benefits as have been claimed for in this present writ petition.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.04.2025
Transmission Date	

