

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.613 of 2021

In
Civil Writ Jurisdiction Case No.19279 of 2019

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1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
 2. L.N. Mithila University through its Registrar, Kameshwarnagar, Darbhanga.
 3. The Vice Chancellor, L.N. Mithila University, Kameshwarnagar, Darbhanga.
 4. The Registrar, L.N. Mithila University, Kameshwarnagar, Darbhanga.
 5. The Finance Officer, L.N. Mithila University, Kameshwarnagar, Darbhanga.
 6. The Principal, M.L.S.M. College, Darbhanga.

... .. Appellant/s

Versus

1. Dr. Sunita Mishra Daughter of Late Gangadhar Jha Resident of Mohalla- G.M. Road, Ward No.12, P.O.- Lalbagh, Police Station- L.N.M.U. Campus, District- Darbhanga.
2. Dr. Shahnaz Jamil Daughter of Syed Mohammad Jamil Resident of Mohalla G.N. Ganj, P.O. and P.S. Laheriasarai, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukund Mohan Jha, AC to GP-27.
For the Respondent/s : Mr.

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

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

5 25-02-2025

Re:-I.A. No.01 of 2025

Heard I.A. No.01 of 2025. There is a delay of about 720 days in filing L.P.A. No.613 of 2021. Cause of action accrued to the appellants in filing L.P.A. with reference to order of the learned Single Judge dated 18.09.2019 is on 17.10.2019, whereas the L.P.A. has been filed on 07.10.2021. Most of the period covers during the Covid-19, therefore, the appellants



have made out a case so as to condone the delay in filing L.P.A. No.613 of 2021.

2. Accordingly, delay of about 720 days in filing L.P.A. No.613 of 2021 stands condoned. I.A. No.01 of 2025 stands allowed.

3. It is to be noted that L.P.A. was filed in the year 2021 by the State and they are well aware that there is delay in filing L.P.A. On the other hand they have not filed interlocutory application for condonation of delay in filing L.P.A. No.613 of 2021. On the other hand, they have opened their eyes in filing I.A. for condonation of delay in the year 2025 i.e. on 18.02.2025, the same is deprecated.

Re:-L.P.A. No.613 of 2021

4. Learned counsel for the appellants is not prepared to address the matter on merits with reference to relevant materials. Short question for consideration in the present *lis* is whether respondents Dr. Sunita Mishra and Dr. Shahnaz Jamil are entitled to HRA and DA in the light of policy decision of the UGC or not? Learned counsel for the appellants submitted that State Government has taken a policy decision contrary to the UGC to the extent that similarly situated like respondents are not entitled to have the benefit of HRA and DA. In this regard



policy decision of the State Government has not been placed on record. Further, the State policy would override the UGC regulation or policy is also not made clear in the L.P.A. In the absence of these materials, appellants have not made out a case.

5. Accordingly, the present L.P.A. No.613 of 2021 stands dismissed.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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