

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12024 of 2024

=====

Md. Sarfraz Khan, Son of Late Md. Abdul Ahad Khan, Resident of Mohalla-
Near Katari Railway Bridge, Ali Ganj, Road No. 1, P.S.- Rampur, District-
Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education (Higher), Government of Bihar, Patna.
3. Magadh University, through its Registrar.
4. The Vice- Chancellor, Magadh University, Bodh Gaya, District- Gaya.
5. The Registrar, Magadh University, Bodh Gaya, District- Gaya.
6. Finance Officer, Magadh University, Bodh Gaya, District- Gaya.
7. The Principal Mirza Galib College, District -Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Virendra Prasad, Advocate
For the Respondent/s : Mr. Government Advocate (13)

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-04-2025

Heard the parties.

2. The petitioner is aggrieved with the inaction of the authorities of the respondent(s) State as well as the Magadh University in not extending the retiral benefits and other dues.

3. Mr. Virendra Prasad, learned Advocate for the petitioner submitted that though the petitioner came to be superannuated on 31.01.2023 from the post of Professor, Department of History, Mirza Galib College, Gaya (Madadh University), however, he has been paid all his retiral benefits much belatedly and, as such, he is entitled to get interest over



the delayed payment in the light of the mandate of the Apex Court in the case of **State of Kerela & Ors. vs. M. Padmanabhan Nair, [(1985) 1 SCC 429]** as also the decision rendered by the learned Division Bench of this Court in the case of **Lilawati Mishra v. The State of Bihar and Others [2022 (2) PLJR 671]**.

4. It is further contended that during the pendency of the writ petition, the petitioner has also been extended the benefit of gratuity and leave encashment. Now, the only grievance remains pending is with respect to arrears of salary to the tune of Rs.4,57,342/-, for which the Registrar of the Magadh University has sent a final bill to the authorities of the State for getting it approved and release the amount.

5. Learned Advocate for the State submitted that adequate amount has already been released to the University.

6. Considering the nature of the grievance, this Court deems it fit and proper to dispose off the writ petition with a direction to the respondent no.5, Registrar, Magadh University, Bodh Gaya, to look into the matter and ensure payment of remaining arrears of salary to the petitioner in accordance with law, if found admissible, preferably within a period of twelve weeks from the date of receipt/production of a copy of this



order.

7. Suffice it to observe that to ventilate the grievance of the petitioner to the extent of interest over the delayed payment, he shall be at liberty to file a proper representation before the respondent no.5 along with the order of this Court, who shall also consider the claim of the petitioner with respect to interest over the delayed payment and dispose off the same in the light of the mandate of the Apex Court in **M. Padmanabhan Nair** (supra) as well as this Court in **Lilawati Mishra** (supra), within the period stipulated.

8. The writ petition stands disposed off.

(Harish Kumar, J)

rohit/-

U			
---	--	--	--

