

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12806 of 2024

Hari Shankar Mahto Son of Raghunath Mahto Resident of Village- Sherpur, Kayasth Tola, Post- MIC Bela, P.S.- Bela, District- Muzaffarpur, the retired Peon, Office of the Pro Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director Higher Education, Education Department, Government of Bihar, Patna.
4. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
5. The Registrar, B.R.A. Bihar University, Muzaffarpur.
6. The Finance Officer, B.R.A. Bihar University, Muzaffarpur.
7. The Section Officer (Pension), B.R.A. Bihar University, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh, Adv.
For the Respondent/s : Government Pleader (12)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 11-09-2025 Heard Mr. Vijay Kumar Singh, learned counsel for the petitioner and learned counsel for the Respondent-University.

2. The petitioner has filed the instant writ application seeking the following relief(s):-

“(i) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for payment of following retiral dues of the petitioner counting his services from the date of his initial appointment i.e. 15.10.1982 for which he is entitled in view of his retirement from service on 29.02.2024 :-



(a) Pension;
(b) General Provident Fund;
(c) Gratuity;
(d) Group Insurance
(e) Earned Leave
(f) Other benefits for which the petitioner is legally entitled but it has not been paid to the petitioner

(ii) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to pay the aforesaid retiral dues to the petitioner with interest till it is actually paid to him on the ground that for any delay caused in the payment of retirement benefits attributable to the Respondents, the petitioner cannot be made to suffer in the evening of his life.

(iii) For issuance of any other appropriate writ/writs, order /orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that by following the due process of selection, the petitioner was appointed as Orderly Peon in the office of Dean of Faculty of Humanities of Respondent-University on daily wages basis with effect from 15.10.1982 by the order of Vice Chancellor vide office order contained in memo No. B/123 dated 06.01.1983 under the signature of the Deputy Registrar. It has next been submitted that subsequently, the Vice Chancellor of the Respondent-University was pleased to confirm the services of the petitioner w.e.f. 01.03.2011 vide office order contained in



memo no.B/1383 dated 28.06.2014 issued under the signature of Registrar of the Respondent-University.

4. The petitioner, accordingly, after successfully discharging his duties got retired on 29.02.2024. The petitioner, upon his retirement, made representation with regard to the settlement of pension like Pension, General Provident Fund, Gratuity, Group Insurance, Earned Leave and other consequential benefits for which he was duly entitled to but the authorities sat tight over the matter. It has next been submitted that the issue which needs to be adjudicated has already been adjudicated for which details of judgments finding favour to this petitioner has been mentioned in paragraphs- 22, 23 and 24 of the present petition. Further certain orders have also been referred during course of hearing passed by the Co-ordinate Benches of this Court in *CWJC Nos. 6476 of 2013 (Ramjee Paswan & Ors. v. The Baba Saheb Bhim Rao Ambedkar University & Ors)* and *CWJC No. 4986 of 2023* along with analogous case *(Pinki Devi v. The State of Bihar & Ors)*. The petitioner, on the strength of the aforesaid judgments, submits that the present writ petition may also be decided in similar terms.

5. Learned counsel representing the University has



got no objection to the submission of the learned counsel for the petitioner and submits that the instant matter may be directed to be decided in similar terms as the case of the petitioner is squarely covered by the judgments referred hereinabove, and necessary orders would be passed to the authorities concerned.

6. Considering the aforesaid submissions, this Court directs the petitioner to file a requisite representation appending all the supportive documents including the judgments as applicable, which according to him, are found to cover his case within a period of four weeks from the date of receipt/production of a copy of this order. On submission of such representation, the concerned authorities will be obliged to consider the same within a further period of two months from filing the said representation by the petitioner and on finding the claim of the petitioner to be valid, the consequential benefits shall also be extended to the petitioner within a further period of four weeks thereafter.

7. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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