

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14051 of 2018

Prabhat Kumar Singh, S/o Late Prem Kumar Singh, R/o Ward No.22,
Ratanpur (Deodhi), P.S. Begusarai, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Vice Chancellor, Lalit Narayan Mithila University, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.
6. The Principal, G.D. College, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Adv.
For the Respondent/s	:	Mr. Madhaw Prasad Yadav- GP-23 Ms. Mira Kumari Singh, Adv.
For the University	:	Mr. Nirmal Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

22 27-02-2025

Heard the parties.

2. At the outset, learned counsel for the petitioner submits that during the pendency of the writ petition, the sole petitioner, Prem Kumar Singh, died on 05.05.2024 leaving behind his son, namely, Prabhat Kumar and thus in the aforesaid premise, I.A. No. 3 of 2024 has been filed for substituting the legal heir(s).

3. Interlocutory Application No. 3 of 2024 stands allowed.

4. Office is directed to incorporate the name of



Prabhat Kumar in place of the original petitioner in the cause title of the writ petition.

5. The petitioner has approached this Court for the following relief(s):-

“(i) For issuance of an appropriate writ in the nature of Mandamus, Commanding and directing the respondent authorities to fix full pension in pay scale of Rs. 15,600 -39,100/- with Grade pay Rs. 6600/- on completion of 28 years of service in view of law laid down by the Hon'ble High Court reported in 2017, Vol-III, PLJR, page 38 by which Hon'ble Court has held that the university employees retired after 01.4.2007 are entitled to get full pension on completion of 20 years of service and also for direction for payment of difference of retiral dues such as gratuity, earn leave and arrears of pension from 1.8.2008 till date of payment on the basis of pay scale Rs. 15,600-39,100/- with Grade pay Rs. 6600/which has been fixed on account of grant of Ist ACP and IInd ACP in compliance of order passed in Civil Appeal No. 516/2013 order dated 18.01.2013 (State of Bihar & ors. V Sunny Prakash & ors.) as the petitioner has been paid his post retiral dues in the pay scale of Rs. 4000 6000/- and also payment of GIC and DDA @ 12.5% and 9% compound interest in view of judgment reported in 2006, Vol- IV, PLJR page 369 and Medical allowances as per Govt.



notification since the University employees are also entitled to get the similar relief in view of statute.

(ii) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent authorities to make payment the aforesaid dues with pendentelite interest on account of delay in payment as well as harassing attitude of the University because at the time of making payment retiral dues, the University by its own motion reduced pay scale to Rs.4000-6000 and adjusted paid amount from the outstanding dues.

(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.”

6. Adverting to the materials available on record, learned counsel for the petitioner submitted that the issue posed before this Court, has already been set at rest in the case of **Bimal Kumar Bimal v. The State of Bihar and Others and other analogous cases [C.W.J.C. No. 22953 of 2018]** which came to be disposed off by this Court on 18.10.2024. It is the contention of the petitioner that his case is squarely covered by the decision passed by this Court in **Bimal Kumar Bimal** (supra).



7. At this juncture, learned counsel for the State and the learned counsel for the University submitted at the Bar that the claim of the petitioner is required to be considered by the competent authorities since he seeks parity to those of the writ-petitioners of the afore-noted case.

8. In view of the submissions advanced on behalf of the learned counsel for the respective parties, this Court deems it appropriate to dispose off the writ petition with a direction to the respondents no. 3 and 4 to consider the claim of the petitioner in the light of the decision of this Court in **Bimal Kumar Bimal** (supra).

9. In case, the claim of the petitioner finds identical to those of the writ-petitioners (C.W.J.C. No. 22953 of 2018), identical relief must be accorded to the petitioner, preferably within a period of twelve weeks' from the date of receipt/production of a copy of this order.

10. The writ petition stands disposed off with the aforenoted direction and observation.

(Harish Kumar, J)

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