

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25759 of 2019

Dr. Gyan Prabha Verma, W/o Late Nand Kishore Prasad, Resident of - New Bangali Tola, Devi Asthan Gali No. 1, Mithapur Bus Stand Road, P.S. Jakkanpur, P.O.- G.P.O., Patna, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Department of Education, Govt. of Bihar.
3. The Special Secretary, Department of Education, Govt. of Bihar, Patna.
4. The Director, Higher Education, Govt. of Bihar, Patna.
5. The Patliputra University, Patna through its Registrar, Patliputra University, Patna.
6. The Vice-Chancellor, Patliputra University, Patna.
7. The Magadh University, Bodh-Gaya through its Registrar, Magadh University, Bodh-Gaya, District- Gaya.
8. The Vice Chancellor, Magadh University, Bodh-Gaya, District- Gaya.
9. The Finance Officer, Patliputra University, Patna.
10. The Finance Officer, Magadh University, Bodh- Gaya, District- Gaya.
11. The Principal, R.K.D. College, Lohiya Nagar, P.S.- Kankarbagh, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs. Shally Kumari, Adv.
For the Respondent/s : Mr. Madanjeet Kumar, GP-20

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-07-2025

Heard the parties.

2. The petitioner on being aggrieved with the action of the respondents in not extending the legitimate admissible retiral benefits, including pension, gratuity, leave encashment, provident fund, commutation of pension and group insurance along with dues salary for the period 18.09.2009 to 31.10.2013



with statutory interest approached this Court seeking a direction for payment of the same.

3. On last occasion, when the matter was taken up on 07.07.2021, this Court having considered the pendency of the Contempt (C) No. 1188 of 2018, arising out of Civil Appeal No. 2703 of 2017, directed to list this case after disposal of the aforementioned contempt. The contempt petition came to be disposed off on 08.01.2025. It would be pertinent to note the terms of the direction as expressed by the Apex Court, mentioned in paragraph no. 7, which would be relevant herein:-

“7. As per above discussions, in our view, it would be appropriate to direct the authorities to adjudicate all the said issues through Registrar/Vice Chancellor in view of the judgment of State of Bihar & others vs Bihar Rajya M.S.E.S.K.K.M & others (2005) 9 SCC 129 and accordingly, we dispose of this petition with the following directions:

(i) The petitioner shall submit his claim along with relevant documents setting up his actual working in college in terms of the orders of absorption claiming salary, and also for pension from the date of absorption upto February 28, 2025 before the Registrar/Vice Chancellor of the University.

(ii) On receiving the claim of salary, a discrete enquiry be held affording due opportunity to the employee, college concerned and the representative of the State if required, and a reasoned order be passed regarding payment of salary and arrears, if any, within a period of three months thereafter.

(iii) The claim regarding pension of petitioner which has been withheld, be decided counting the period of service, w.e.f.



date of absorption notionally uninfluenced by the orders dated 11.07.2019, 07.08.2019 and 12.02.2021 passed in this Contempt Petition. However, if there is prolonged period of absence, the same shall be dealt with by the competent authority in accordance with the relevant rules.

(iv) After adjudicating the issue of pension and arrears the same be paid adjusting the amount already paid as expeditiously as possible not later than two months from the date of such order.

(v) Upon adjudication, if it is found that any excess amount has been paid either under the head of salary or pension, it be quantified and the university/college/state as the case may be, shall be at liberty to take recourse to recover the same following the procedure as permissible.

(vi) We make it clear that if the employees have submitted the joint claim of arrears of salary and pension, in that event the issue of arrears of salary be governed by direction No. (ii) and pension be governed by direction (iii).

(vii) In case, the parties feel dissatisfied by the orders of the Registrar/Vice Chancellor of the University, they shall be at liberty to take recourse as permissible before the High Court.”

4. In pursuant to the aforementioned direction, the petitioner submitted her application before all the concerned, including the Vice-Chancellor, the Registrar, Magadh University and other authorities, the copies of which have also been brought on record vide Annexure-15 to the supplementary affiavit. The Registrar, Magadh University, Bodh Gaya, in the meanwhile also issued notification contained in Memo No. 25



dated 25.02.2025 to the effect of approval and confirming the services of the petitioner and others as per the recommendation of Hon'ble (Retd.) Justice S. B. Sinha Commission with effect from their date of absorption. The services of the petitioner stood confirmed with effect from 09.12.1977.

5. The Registrar, Magadh University also vide Letter No. 23 dated 15.02.2025 directed all the Principal of constituent college of Magadh University, Bodh-Gaya and Patliputra University, Patna to submit the details of teaching and non-teaching employees, whose services have been absorbed in terms of Justice S. B. Sinha Commission, for payment of salary as well as pension benefits. The Principal, R.K.D. College, Lohiyanagar, Patna has forwarded the pension papers, service book and documents related to other pensionary benefits of the petitioner long back in the year 2021. However, till date, the University has not come out with any decision with regard to payment of the pensionary benefits and the salary for the period, aforesaid.

6. In view of the aforesaid facts, this Court deems it appropriate to direct the Registrar, Magadh University to consider the application of the petitioner as contained in Annexure-15 to the writ petition in terms with the direction of



the Apex Court and bring to its logical conclusion, within a reasonable period of time but not more than three months.

7. Needless to observe that in case the claim of the petitioner finds favour, necessary payment shall be made within the period stipulated.

8. This disposes the writ petition.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2025
Transmission Date	NA

