

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1105 of 2022

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Renu Karn Wife of Sri Kewal Krishna Lal Das, Resident of 52 Bigha, Laxmi Sagar Road No. 3, P.S. University, Town and District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Higher Education, Bihar, New Secretariat, Patna.
2. The Director, Higher Education, Bihar, New Secretariat, Patna.
3. The Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga through its Registrar.
4. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
7. The Principal, M.L.S.M. College, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar, Advocate Mr. Ranjan Kumar, Advocate
For the University	:	Mr. Priyadarshi Maitri Sharan, Advocate
For the State	:	Mr. Apurva Kumar, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 14-07-2026 Heard Mr. Alok Kumar, learned counsel appearing on behalf of the petitioner; Mr. Priyadarshi Maitri Sharan, learned counsel for the Lalit Narayan Mithila University and Mr. Apurva Kumar, learned AC to GA-12 for the State.

2. The petitioner has retired on 31.05.2019 as Assistant Professor, Department of Hindi, from M.L.S.M. College, Darbhanga and he is aggrieved for non-payment of following dues as mentioned in paragraph no. 1 of the writ



petition, which *inter alia* is reproduced hereinafter:

"(i) For the direction to the respondents to fix the pension as the petitioner was superannuated on 31.05.2019 from the post of Assistant Professor, Department of Hindi, M.L.S.M. College, Darbhanga after completing more than 33 years of unblemished and continued service;

(ii) For the direction to the respondents to release all retirement benefits such as Provident Fund, Gratuity, Leave Encashment, with the applicable interest thereupon etc. for which the petitioner is entitled for;

(iii) For the direction to the Respondents to release the salary to the petitioner from 05.04.1986, the date on which the petitioner was eligible for the post and joined the post of lecturer in the college and the job of the petitioner was absorbed/regularized under the direction of the Hon'ble Supreme Court;

(iv) For the direction to the Respondents to consider the Job of the petitioner from the date of joining and eligibility i.e. 05.04.1986 as recommended by the Justice Agrawal Commission and duly approved by the Hon'ble Supreme Court in the case State of Bihar & others Vs. Bihar Rajya MSESKE Mahasangh & others;

(v) For the issuance of any other appropriate writ/(s)/order/(s)/direction/(s) which your Lordships may deem fit in the facts and circumstances of the case."

3. Learned counsel appearing on behalf of the petitioner submitted that substantial amount of retiral dues has already been paid to the petitioner, however, the petitioner is still aggrieved for non-payment of salary for the period 05.04.1986 to 16.01.2006. He further submitted that reason for non-payment, as per the counter affidavit filed on behalf of the respondents no. 4 to 6 is that the salary of the petitioner was payable with effect from the date he was regularized from



17.01.2006 and prior to this date, the salary cannot be paid. Learned counsel further submitted that the said information contained in paragraph no. 6 of the counter affidavit is contrary, in respect of the petitioner, to the report submitted by the Justice S.C. Agrawal Commission as per the recommendation of the Hon'ble Supreme Court in the case of *State of Bihar & Ors. vs. Bihar Rajya M.S.E.S.K.K. Mahasangh & Ors.* reported in *(2005) 9 SCC 129* commonly known as **Mahasangh case**, wherein, the Apex Court has clarified that the date of absorption will be considered in respect of the petitioner from the date of his appointment/ date of eligibility apart from other requisite qualification required for the post. Learned counsel further submitted that similarly situated aggrieved employees had preferred CWJC No. 3017 of 2006, in which, this Court, after considering the entire facts including the number of sanctioned post, date of eligibility and date of appointment and also considering the report of Justice S.C. Agrawal Commission in terms of Section 4(1)(14) of the Bihar Universities Act, has given finding that no other date now can be inserted in view of the detailed enquiry made by the Justice S.C. Agrawal Commission in respect of the each teaching staff of M.L.S.M. College, Darbhanga.



4. In view of the above admitted facts, I find it proper to direct the Vice-Chancellor of the University to take conscious decision in respect of the entitlement of the petitioner, whether he is entitled, based on the finding of Hon'ble Justice S.C. Agrawal Commission report, and take steps to make payment of salary for the period in question, in accordance with law.

5. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J)

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