

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20265 of 2021

Uma Kant Mishra, Son of Late Raghubansh Mishra, Resident of Village -
Latbasepura, Police Station - Musarigharari, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar, through Commissioner - Cum - Secretary, Human Resources Department (Higher Education), Govt. of Bihar, Patna.
2. Director, Higher Education, Govt. of Bihar, 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 Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, Samastipur College, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar, Advocate
For the University	:	Mrs. Binita Singh, Advocate
For the State	:	Mr. Ram Vinay Pd. Singh, AC to GA-12

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 14-07-2026 Heard Mr. Ranjan Kumar, learned counsel appearing on behalf of the petitioner; Mrs. Binita Singh, learned counsel appearing on behalf of the Lalit Narayan Mithila University and Mr. Ram Vinay Pd. Singh, learned AC to GA-12 for the State.

2. The petitioner has retired on 30.06.2011 from the post of Night Guard from Samastipur College, Samastipur and he is aggrieved for non-payment of following dues as mentioed in paragraph no. 1 of the writ petition, which *inter alia* is reproduced hereinafter:



"i. For a direction to the Respondents to pay to the petitioner the amount of revised gratuity in A.C.P./M.A.C.P. Scale Rs. 5,200-20,000/-in Grade Pay Rs. 2400/-.

ii. For a direction to the respondents to pay to the petitioner the amount of revised unutilised leave encashment of 98 days and full unutilized leave encashment 100 days in ACP/MACP Scale Rs. 5,200-20,200/- in Grade Pay Rs. 2400/- because 198 days earn leave enter in service book by the Principal and concerned principal wrote a letter to the Registrar for sanctioned 198 days earn eave in favour of the Petitioner. (Annexure-2 Series).

iii. For a direction to the Respondents to pay to the petitioner the amount of Difference of Pension from July 2011 to onwards in ACP/MACP Scale Rs. 5200-20,200/- in Grade Pay Rs. 2400/-.

iv. For a direction to the Respondents to pay to the petitioner the amount of Group Insurance with 12.5% compound interest.

v. For a direction to the Respondents to pay to the petitioner the amount of D.D.A. with 9% per year interest from the period 1982 to 1989.

vi. For a direction to the Respondents to pay to the petitioner the amount of difference of salary from March, 1989 to 30.06.2011 in ACP/MACP Scale.

vii. For a direction to the Respondents to pay to the petitioner the amount of interest of gratuity and pension by the Government Circular bearing No. P-C-21-16179/3155 dated 07.11.1981 and pay penal interest upon the entire dues from the dates they became due till dates of respective payment.

viii. Any other relief(s) to which the petitioner deemed entitled."

3. Learned counsel appearing on behalf of the petitioner submitted that respondents no. 1 and 2 in paragraph no. 8 of its counter affidavit has admitted that the Chancellor vide its Letter No. BSU-41/2013- 429 dated 04.03.2014 has approved the revised statutes in respect of non teaching officers and employees of the Universities and Colleges regarding their appointment/ promotion including ACP and MACP like the



State government employees with effect from 01.01.2009. In case of approval of ACP/MACP to Group B, C and D employees, approval of State Government is not required as it appears from the counter affidavit filed on behalf of the State respondents no. 1 and 2. Learned counsel submitted that as per the clarification made on behalf of the State in paragraphs no. 9 to 11, it appears that it is deliberate on the part of the University in not making payment of dues amount of ACP/MACP to the petitioner and in absence of any cogent reason, the petitioner, who had retired on 30.06.2011 as a Night Guard, is entitled for the payment of ACP/MACP and G.I.C. also. Learned counsel admits that the petitioner has been paid requisite amount on account of Earned Leave, Gratuity and Pension but realization of excess amount paid on account of arrears of pension for the period 01.07.2011 to 31.01.2022, a total amount of Rs. 17,784/- has been recovered from the petitioner.

4. I have heard the parties and what is reflected from the record that the petitioner is aggrieved for realization of alleged excess amount of Rs. 17,784/- for the period 01.07.2011 to 31.01.2022 and payment of GIC at the rate of 4.5 percent in place of 12.5 percent, which is subject matter of S.L.P. No. 21411–21415 of 2025 pending before the Apex Court and the



same, I find, issue of payment of GIC at the rate of 12.5 percent is subject to the final outcome of S.L.P. No. 21411–21415 of 2025.

5. So far as non-payment of ACP/MACP and realization of alleged excess amount of Rs. 17,784/- for the period 01.07.2011 to 31.01.2022, the petitioner may approach the Registrar of the University for redressal of his grievance in accordance with the law laid down by the Apex Court in the case of *State of Punjab & Ors. Vrs. Rafiq Masih & Ors.*, reported in *(2015) 4 SCC 334* and in the case of *Thomas Daniel Vrs. State of Kerala & Ors.* reported in *2022 LiveLaw (SC) 438*.

6. Accordingly, the present application is consigned.

(Purnendu Singh, J)

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