

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15669 of 2023

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Ram Balak Chaudhary Son of Late Firan Chaudhry, Resident of village-
Pabra, P.S. -Cheria Bariarpur, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education, Bihar, Patna.
2. The Chief Secretary, Education, Bihar, Patna.
3. The Commissioner cum Secretary, Higher Education Department, Government of Bihar, Patna.
4. The L.N.Mithila University, through its Vice Chancellor, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
5. The Registrar, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
6. The Finance Officer, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
7. The Pension Officer, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
8. The Principal, R.C.S. College, Manjhaul, District Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Devendra Prasad Singh, Advocate
For the L.N.M.U.	:	Mr. Shailesh Kumar, Advocate
For the State	:	Mr. Madhaw Prasad Yadaw (GP- 23)
		Mrs. Meera Singh, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-07-2026 Heard Mr. Devendra Prasad Singh, learned counsel appearing on behalf of the petitioner; Mr. Shailesh Kumar, learned counsel for the L.N. Mithila University and Mr. Madhaw Prasad Yadaw, learned GP-23 along with Mrs. Meera Singh, learned AC to GP-23 for the State.

2. The petitioner has retired on 31.03.2004 as a Librarian in R.C.S. College, Manjhaul, Begusarai (Constituent



unit in L.N.M.U. Darbhanga) and he is aggrieved for non-payment of following dues as mentioned in paragraph no. 1 of the writ petition, which *inter alia* are reproduced hereinafter:

"(I) To quash the order dated 23.3.2023 (Annexure-P/11) as issued to the petitioner vide letter no.LC-148/2023 under the signature of the Registrar, L.N. Mithila University, Kameshwar Nagar, Darbhanga by which the representation dated 9.4.2018 filed for payment of a sum of Rs.18,95,203/- by the respondent University under different heads in the light of order dated 9.3.2018 as passed in C.W.J.C.No.17540 of 2016 has been rejected (Annexure-p11).

(II) To quash the order vide letter no.273, of 2016 (Annexure-P/8) dated 09.08.2016, alongwith all consequential order letter memo no.LC-1348-50/08 & LC-1351/08 dated 05.09.2008 passed by the Respondent No.4 whereunder the Respondent No.4 again restored the above said impugned notifications by which the Respondent No.4 reverted back the petitioner in lower scale of Rs.4500-7000/- for the post of Librarian instead of scale of Rs.6500-200-10,500/- and pension of the petitioner has been fixed at lower stage of Rs.4003/- per month instead of Rs.5450/- per month w.e.f. 01.04.2004 and also on that basis a recovery of Rs.4,85,400/- has been made from the petitioner under different heads i.e. pension, gratuity, leave encashment, group insurance for the period from 01.01.1986 to 31.03.2004 after four (4) years of his retirement which has already been set aside by the Hon'ble Chancellor vide letter memo no.24/2009-1274/GS(1) dated 16.09.2014.

(III) For issuance of an appropriate writ in the nature of mandamus or any appropriate writ/writs, order/orders, direction/directions commanding the respondent authorities to fix/restore the pension of the petitioner of Rs.5450/- per month on the basis of last pay drawn in revised scale of Rs.10,900/- (as per 6th Revised Scale) fixed by the Respondent no.4 vide memo no.9093/C dated 03.06.2006 and refund the amount, if any curtailed.

(IV) For issuance of direction to the respondents to make payment of arrears of difference pension and other amounts which is kept by the University in different heads i.e. leave encashment, group insurance, arrears of difference of salary from the period of 1981 to 1996 and deferred DDA etc and provide the calculation chart to the petitioner.

(V) For issuance of direction to the respondents to make all due payments with 18% penal interest per annum and also to pay exemplary cost due to laches and harassing attitude of the respondents.



(VI) For issuance of any other appropriate order/orders, direction/directions as your Lordships may deem fit and proper in the facts and circumstances of the case."

3. Learned counsel appearing on behalf of the petitioner submitted that claim of the petitioner is required to be considered in light of the several judgments of this Court, which are annexed as Annexure- P/18, P/19 and P/19/1 to the writ petition and detailed departmental instructions having been considered in those judgments, specifically dealing with the university Librarian, has been brought on record by way of Annexure-P/17 to the writ petition. Learned counsel further submitted that the University has restrained the petitioner from uploading the required information on the official website of the Pay Verification Cell by not taking immediate action. Learned counsel has also relied upon the judgment passed 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***.

4. The respondent university has not disputed that the petitioner had retired on 31.03.2004 as Librarian and during the said period, he was entitled for the scale of Rs. 6500-200-10,500/-. The issue regarding qualification contained in Clause



3 of the Statute cannot be made retrospective in the case of the petitioner similarly as has been clarified by this Court vide order dated 05.10.2015 passed in CWJC No. 15703 of 2012.

5. In such circumstances, this Court has no alternative than to direct the Registrar of the University to take immediate steps for uploading all the relevant documents on the official website of the Pay Verification Cell and see that the grievance of the petitioner has been redressed similarly to one Librarian namely, Moti Singh, who had approached this Court by filing CWJC No. 19335 of 2014, which was disposed of on 14.08.2018 and several other Librarians, who had approached this Court by filing CWJC No. 18478 of 2015, which was disposed of on 08.08.2019.

6. In light of the above two judgments and the law laid down by the Apex Court in the case of ***Rafiq Masih (Supra)***, as well as, ***Thomas Daniel (Supra)***, the petitioner must be paid all the retiral dues as claimed by him expeditiously, in accordance with law.

7. Accordingly, the order dated 09.0.2016 contained in Letter No. 273/16 and order dated 23.03.2023 contained in Letter No. LC-148/2023, are hereby quashed and set aside.

8. The petitioner, if so advised, may file a fresh



detailed representation for his claim for retiral dues under different heads before the Registrar of the Univesity, who is directed to dispose of the same expeditiously not beyond the period of eight weeks from the date of filing of the representation.

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

(Purnendu Singh, J)

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