

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8700 of 2017

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Dr. Moti Lal Yadav, S/o Late Jibach Yadav, Resident of Bahadurpur, Ward No. 29, Madhuri Chowk, P.S. +District- Samastipur, a superannuated employee as Reader from B.R.B. College, Samastipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, B.R.B. College, Samastipur, District - Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4 24-01-2018 Learned counsel for the petitioner; State and L.N. Mithila University (hereinafter referred to as the 'University') have assisted the Court.

2. At the very outset, Mr. Sashi Bhushan Singh, learned counsel for the petitioner submitted that the name of his



colleague Mr. Gyan Abhinav, learned counsel be expunged from the record as he is not an Advocate on record. Permission granted.

3. At this juncture, general members of the Bar submitted to the Court that due to ignorance, they may also have signed the pleadings, including the Power/Vakalatnama. It was submitted that the same was out of sheer ignorance and they may be permitted to get their names expunged from the records. Keeping the aforesaid in mind, and the fact that, as of now, no person other than an Advocate on record can enter appearance, including filing of Power/Vakalatnama and pleadings before the High Court, henceforth, let the Registry also take note while making stamp report as to whether the Advocates through whom the pleadings are filed and/or who have accepted/executed Power/Vakalatnama are Advocates on record of this Court. Registry shall communicate the order to the Registrar General of this Court for issuing appropriate directions, latest by tomorrow. The said directions would take effect prospectively from 1st February, 2018. The Registrar General shall get notice to this effect printed in the daily cause list for at least a week starting from the cause list dated 29th January, 2018.

4. It has been repeatedly coming to the notice of the



Court that despite a modality having been laid down for calculation of Earned Leave and for payment of Group Insurance at the rate of 12.5% compound interest, the same is not being adhered to by the Universities, including L.N. Mithila University. The Court would only indicate that despite repeated orders of the Court which have been upheld till the Hon'ble Supreme Court, if still, in individual cases, the same order has to be passed by various Benches, the same is totally unacceptable, for an order passed *in rem* is to be duly implemented by the authorities concerned. If a particular issue has been decided and also in terms of the Litigation Policy of the State itself, once any issue is decided as a general proposition of law, all the authorities are required to confirm to and comply with such order. Thus, the Court would make a general observation that henceforth, if it comes across any violation with regard to the mode of calculation of Earned Leave and payment of 12.5% compound interest on Group Insurance, *suo motu* contempt proceeding shall be initiated. In this regard, the Court would refer to the judgment passed in C.W.J.C. No. 11219 of 2011 dated 31.08.2015, which has been affirmed in L.P.A. No. 1253 of 2016 by order dated 11.01.2018.

5. In view of the statement made in the rejoinder filed



on behalf of the petitioner today, let appropriate reply be filed by learned counsel for the University and the matter be listed on 13th February, 2018.

6. Registry is directed to communicate the order to all the Vice Chancellors and Registrars of the Universities in Bihar, forthwith.

(Ahsanuddin Amanullah, J.)

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