

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4735 of 2010

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Madan Mohan Mishra, son of late Bhubneshwar Mishra, resident of Village+Post-
Bhramarpur, P.S. Bihpur, District Bhagalpur

.... Petitioner/s

Versus

1. The T.M. Bhagalpur University, Bhagalpur through its Registrar, namely, Mr. Rajeev Kumar Sinha
2. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur, namely, Mr. P.K. Dubey
3. The Registrar, T.M. Bhagalpur University, Bhagalpur, namely, Mr. Rajeev Kumar Sinha
4. The Finance Officer, T.M. Bhagalpur University, Bhagalpur, namely, Mr. B.P. Verma
5. The Principal, J.P. College Narayanpur, District Bhagalpur, namely, Mr. Om Prakash Gupta
6. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat Patna, namely. Mr. I.A.S.
7. The Principal Secretary, Department of Finance, Government of Bihar, Main Secretariat, Patna, namely Mr. B.P.Singh, I.A.S.
8. The Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna, namely, Mr. Anjani Kr. Singh, I.A.S.
9. The Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna, namely, Mr. K.K. Pathak, I.A.S.
10. The Director, Department of High Education, Government of Bihar, New Secretariat, Patna, namely, Mr. J.P.Singh.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. PURUSHOTTAM KR. JHA
Mr. Sanjay Kumar,
Mr. A. K. Jha, Advocates.

For the State : Mr. M.D. Singh, AC to GA10

For University : Mr. R.K. Giri, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-09-2015

Heard learned counsel for the petitioner and learned
counsel for the University as well as the State.

This application has been filed for initiation of contempt
proceeding against the contemner for violation of the order

dated 21.4.2010 passed in C.W.J.C. No.6868 of 2010 by which the Court has passed the following order:

“In the above circumstances, the learned counsel for the petitioner submits that for expeditious disposal of pending claims as highlighted in this writ application, the petitioner proposes to file a fresh representation before the Registrar, T.M. Bhagalpur University Bhagalpur (respondent no.3). In case such a representation is filed stating the details of the unpaid claims as also enclosing the copy of the relevant documents, if any, in support of such claims along with the certified copy of the present order within a period of six weeks, the grievance of the petitioner as raised in his representation shall be considered in accordance with law expeditiously, preferably within a period of four months on receipt of such representation, so that the grievance of the petitioner raised in his representation may be settled at the earliest and the admitted dues, if any may also be paid with interest permissible under the rules.”

Learned counsel for the petitioner submits that petitioner has filed a detailed representation but the University has not examined the merit of the case and has not considered his claim in proper and fair manner under different heading but of their own, has paid certain amount vide order dated 11.5.2015 disposed of his representation without discussing in what manner the University has arrived to the amount that has been paid to the petitioner, whereas as per the direction of this Court he has filed detailed representation making out specific claim



under different heading further submitted Annexures 2 and 4 indicates in what manner the calculation was required to be done has not taken care of every item. In flagrant violation of the order of this Court, the Registrar of the University without looking to his representation properly, disposed of the same without proper reasoned order.

Learned counsel for the University submits that as per direction of this Court the representation of the petitioner was taken into consideration and whatever admitted amount was emerged that has been paid to him. If he has any further grievance he can make his claim before the University, will look into the matter if found entitled, would be paid to him. But certainly by passing the order dated 11.5.2015, the University has complied the order of this Court with true letter and spirit and does not require any further continuation.

Having considered the rival contentions of the parties as per direction of this Court the University was required to consider the representation and the amount was to be paid to the petitioner along with admissible interest. The order dated 11.5.2015 is Annexure-A to the supplementary show-cause, shows details of payment but not item wise amount has been mentioned and what manner calculation has been done, is

missing.

This Court does not find it is a proper case in which contempt can be initiated against the officials of the University. Hence this petition is dismissed. However, the petitioner will be at liberty to submit his detailed representation. If any such representation is filed, the Registrar of the University will examine the same and pass a reasoned order and if the Registrar has arrived to a finding that still the petitioner is entitled to payment would be made to him without any delay.

Vinay/-

(Shivaji Pandey, J)

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