

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7080 of 2015

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Satish Kumar Son of Late Harinandan Singh Resident of village - Surhatha,
P.O. + P.S. - Bibipur, Via - Anirudh Belsar, District - Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Higher Education Department, Government of Bihar, Patna.
2. The Vice-Chancellor, Rajendra Agriculture University, Bihar, PUSA at Samastipur, District - Samastipur.
3. The Director Extension Education, Rajendra Agriculture University, Bihar, PUSA (Samastipur), District - Samastipur.
4. The Programme Co-coordinator, Krishi Vigyan Kendra, Saraiya, Muzaffarpur, District - Muzaffarpur.
5. The Programme Coordinator, Krishi Vigyan Kendra, Madhopur District - West Champaran at Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary

For the Respondent/s : AC to GP 31

Sri Chandra Mohan Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 05-10-2015 Heard Sri Anil Kumar Tiwary, learned counsel for the petitioner, learned AC to GP No. 31 as well as Sri Chandra Mohan Singh, learned counsel, who has appeared on behalf of the respondent no. 2 / Vice Chancellor, Rajendra Agriculture University.

The petitioner invoking writ jurisdiction of this court under Article 226 of the Constitution of India has prayed for directing the respondents to pay his due salary from January, 2006 to March, 2006 and also for payment of salary of the petitioner to

the tune of Rs. 65,000/- with interest. It has been claimed that the petitioner has not been paid since 24.11.2006 to 30.4.2010. Besides the aforesaid reliefs the petitioner has also made a prayer for directing the respondents to consider his representation in respect of demand raised in the petition.

The petitioner has brought on record as Annexure - '4' to the writ petition i.e. representation filed before the Vice Chancellor, Rajendra Agriculture University, Pusa, Samastipur, in which he has claimed total amount of Rs. 65,000/- as due wage / salary. The petitioner has also relied on Annexure - '3' to the writ petition which suggests that the Director Extension Education has ordered to allow the petitioner to draw wage of Rs. 5000/- per month in place of Rs. 3000/- per month with effect from 14.7.2004 to 22.11.2006.

In this case earlier time was granted to Sri Chandra Mohan Singh, learned counsel for the respondent no. 2 to obtain instruction and file counter affidavit. Lastly on 1.9.2015 it was indicated that if within extended time no counter affidavit is filed the court may propose to decide the writ petition on the basis of the materials available on record. Till date no counter affidavit has been filed. Sri Chandra Mohan Singh, learned counsel for the Respondent No. 2 submits that he has taken best efforts to take

instruction but he failed to get it.

Accordingly in absence of any counter affidavit the court proposes to dispose of the writ petition granting liberty to the petitioner to file a fresh representation detailing his claim before the Vice Chancellor, Rajendra Agriculture University /respondent no. 2 within a period of six weeks from today. If such representation is filed within aforesaid time, the respondent no. 2 is required to examine the same and pass appropriate order in accordance with law preferably within a period of two months from the date of filing of such representation. It goes without saying that if the respondent no. 2 considers the claim of the petitioner as genuine he may also pass order for payment of the dues of the petitioner.

The writ petition stands disposed of.

(Rakesh Kumar, J)

Praful/-

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