

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6566 of 2011

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Tabrez Ahmed S/O Md. Zeyaul Haque, present resident of Village Santpur,
P.O. Nautan Dubey, P.S. Nautan, District West Champaran.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, H.R.D., Delhi.
2. The National Council for Vocational Training, New Delhi through its Secretary.
3. The Imarat Sharaiah Educational Welfare Trust, Phulwarisharif, Patna.
4. The Examination Controller, Directorate of Employment & Training, Bihar at Patna.
5. The Principal, Maulana Minnatullah Rahmani Memorial Technical Institute, Phulwarisharif, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 11-05-2015 Heard learned counsel appearing on behalf of the petitioner. However, none appears on behalf of the respondents, though the names of the learned counsel appearing on behalf of the respondents are printed in the daily cause list.

This writ petition was filed way back on 11.04.2011 after service of its copy upon the learned Assistant Solicitor General, Government of India representing the respondents, yet till date no counter-affidavit has been filed on their behalf controverting the averments made in the writ petition. As noticed above, none is appearing on behalf of the respondents though their names are printed in the daily cause list.

In view of nature of grievances/ claims raised on behalf of the petitioner, detailed in paragraph-1 of the writ petition, this Court is of the opinion that instead of keeping the matter pending awaiting counter-affidavit from the respondents, the interest of justice shall be sub-served if the petitioner is granted liberty to file

a comprehensive representation with all supporting documents before the respondent No.2- the National Council for Vocational Training, New Delhi through its Secretary, raising all the pleas, which have been raised in the present proceeding. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent No.2 shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order at an early date preferably within a period of three months from the date of filing of such representation.

If on consideration of the materials the respondent no.2 or any other competent authority comes to a conclusion that claims raised on behalf of the petitioner are admissible to him, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

This is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner particularly in the background that the counter-affidavit has not been filed on behalf of the respondents though the matter has remained pending before this Court for more than four years and it is left to be decided by the competent authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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