

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13119 of 2007

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Ramswaroop Prasad son of Late Naurangi Lal, Resident of Village – Uprhuli, P.S. Praiya, Dist. – Gaya at present posted as Clerk, Civil Court, Gaya.

.... Petitioner

Versus

1. The State of Bihar
2. The District and Sessions Judge, Gaya.
3. The Registrar, Civil Court, Gaya.
4. The High Court of Judicature at Patna through the Registrar General, Patna High Court.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Pd.Sinha

For the Respondent/s : AC to A.A.G.-5

Mr. Bindhyachal Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 15-04-2015 Heard Sri Nand Kishore Pd. Sinha, learned counsel for the petitioner, learned A.C. to Addl. Advocate General – 5 as well as Sri Bindhyachal Singh, learned counsel, who has appeared on behalf of respondent no. 2 to 4/Patna High Court.

The petitioner, who retired as Clerk from the Gaya Civil Court w.e.f. 31-01-2009, has approached this Court invoking its writ jurisdiction with a prayer to direct the respondents to grant him benefit under the A.C.P. scheme.

Learned counsel for the petitioner submits that despite the fact that the petitioner filed an exhaustive representation before the Registrar General, vide **Annexure ‘6’** to the writ petition long back on 19-05-2007, till date no decision has been taken and as such, the petitioner was constrained to file the writ petition in the

month of October, 2007. Despite the fact that the case was adjourned repeatedly for filing counter affidavit on behalf of respondents, till date no counter affidavit has been filed.

Learned counsel for the High Court, on instruction, submits that the representation of the petitioner has not been traced out and as such, no decision could be taken.

In view of the facts and circumstances, particularly; the claim made by the petitioner, which has been elaborated in Annexure '6' to the writ petition i.e. representation to the Registrar General of the Patna High Court, the Court proposes to dispose of the writ petition with a direction to the Registrar General of the Patna High Court to take final decision on the representation of the petitioner and if he considers the claim of the petitioner as genuine, he is required to pass appropriate consequential order. Even in case of refusal, he is required to pass a reasoned order and communicate the same to the petitioner preferably within a period of three months from the date of receipt/production of a copy of this order.

With above observation and direction, the writ petition stands disposed of.

(Rakesh Kumar, J.)

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