

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1836 of 1995

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1. MAHENDRA NARAIN YADAV SON OF LATE BABUAN PD. YADAV, PRINCIPAL, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 2. SHYAM BIHARI OJHA SON OF LATE P T. SHEO PD. OJHA UNIVERSITY PROFESSOR AND HEAD, HINDI DEPTT. GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 3. JAGDISH KUMAR SON OF LATE NUNULAL KUMAR, UNIVERSITY PROFESSOR AND HEAD POLITICAL SCIENCE, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 4. HARIKANT THAKUR SON OF LATE HRESHIKESH THAKUR, UNIVERSITY PROFESSOR AND HEAD PHYLOSOPHY, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 5. JAGDISH CHANDRA THAKUR SON OF LATE BISHWANATH THAKUR READER AND HEAD, ENGLISH, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 6. DR. BISHWA MOHAN PRASAD SON OF LATE SAHDEO PRASAD, UNIVERSITY PROFESSOR AND HEAD, HISTORY, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 7. DR. RAGHUBANSH PD. SINGH SON OF LATE RAM PRAKASH SINGH READER, HISTORY, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 8. SRI JAGDISH KUMAR SON OF LATE KRISHNA DAYAL YADAV READER AND HEAD, ECOMONICES, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 9. SMT. KALYANI KUMARI SAHA WIFE OF SRI BISHWANATH SAHA READER AND HEAD, PHSYCOLOGY, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 10. SRI ASHOK KUMAR JHA, SON OF RAJESHWAR JHA, READER AND HEAD, CHEMISTRY, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 11. SURAYA KUMAR JHA, SON OF SRI JAJESHWAR JHA, READER AND HEAD PHYSICS, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 12. REWATI RAMAN JHA, SON OF LATE SURYA NARAYAN JHA, READER AND HEAD, MATHEMATICS, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 13. ALOK KUMAR, SONOF SRI SUKHDEO PRASAD, READER AND HEAD ZOOLOGY, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 14. KANHAYA JEE VERMA SON OF LATE VINDHYACHAL PD. VERMA, LEACTURER AND HEAD, BOTANY DEPARTMENT GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 15. SHIV RANJAN SON F SRI GAJESHWAR PRASAD, LECTURER IN ENGLISH GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA. ALL TEACHING STAFF OF GORELAL MEHTA COLLEGE, P.S.-BANMANKHI, DISTRICT-PURNIA.
 16. SRI KUMAR TARA NAND SINGH SON OF LATE MAHABIR SINGH, ACCOUNTANT, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
 17. AWADESH KUMAR MALLICK SON OF LATE MAHESHWAR NR. MALLICK, LIBRARIAN, GORELAL MEHTA COLLEGE,

BANMANKHI, PURNIA.

18. DEEP NARAYAN GUPTA, SON OF LATE GUNRJ PRASAD GUPTA LAB. ASSISTANT PHYSICS, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
19. SANGITA NAND JHA SON OF INDRA NARAYAN JHA LAB. ASSISTANT, ZOOLOGY, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
20. UPENDRA MEHTA LATE MOTI MEHTA, HEAD CLERK, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
21. CHANDRA CHUR CHOUDHARY SON OF SRI RAM AWTAR SINGH, P.T.I. GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
22. BODHNATH MISHRA SON OF LATE SOM NATH MISHRA, LAB. INCHARGE BOTONY, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
23. ASHUTOSH KUMAR VISHWAKARMA, SON OF SRI HARI BADAN SHARMA, LAB INCHARGE chemistry, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
24. PRABIR KRISHNA SINHA SON OF SRI DHIRAJ KUMAR SINHA, ACCOUNT ASSISTANT CUM CASHIER, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
25. AWADHESH KUAMR SAH SON OF LATE ANANDI PD. SAH OFFICE ASSISTANT, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
26. DEOCHANDRA JHA SON OF SRI JOGESHWAR JHA, OFFICE ASSISTANT, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
27. UMESH PRASAD SINGH, SON OF LATE MAHABIR SINGH OFFICE ASSISTANT CUM TYPIST, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
28. BASDEO SAH, SON OF LATE KANWAR SAH, PEON GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
29. UPENDRA MANDAL SON OF LATE KUKHAN MANDAL, PEON, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
30. ANANDI MANDAL, SON OF LATE KISHUN LAL MANDAL, PEON, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
31. BALESHWAR YADAV, SON OF LATE SITA RAM YADAV, PEON, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
32. ATWARI HEMBRAM, SON OF LATE SURJU HEMBRARM, NIGHT GUARD, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
33. MOHIT LAL YADAV, SON OF LATE NASIB LAL YADAV, PEON, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
34. DEO NARAYAN YADAV, SON OF LATE KALESHWAR YADAV, PEON, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
35. RAMPHAL SAH, SON OF LATE CHHUTAHARN SAH, PEON, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
36. BISHWANATH THAKUR, SON OF LATE GANGA THAKUR, PEON GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
37. SAROJ RAM SON OF LATE BINDESHWARI RAM, PEON, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.
38. AMARENDRA KUMAR MEHTA SON OF SRI JAGDISH PD. MEHTA, PEON, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.



39. RAMESHWAR ORAON SON OF LATE THOPPA ORAON, PEON, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA.

40. BILAYATI SINGH, SON OF LATE RAMDEO SINGH, PEON, GORELAL MEHTA COLLEGE, BANMANKHI, PURNIA. ALL NON TEACHING STAFF, GORELAL MEHTA COLLEGE, P.S.-BANMANKHI, DISTRICT.-PURNIA.

.... PETITIONER/S

VERSUS

1. STATE OF BIHAR – SRI K.C. SAHA, COMMISSIONER HUMAN RESOURCES DEPARTMENT, GOVERNMENT OF BIHAR, PATNA.

2. DR. B.P. MANDAL, REGISTRAR, BHUPENDRA NARAYAN MANDAL UNIVERSITY, LALOO NAGAR, MADHEPURA.

3. SRI JAGAT NARAIN SINGH, REGISTRAR, L.N. MITHILA UNIVERSITY, DARBHANGA.

4. SRI U.K.P. VERMA, FINANCE OFFICER, B.N. MANDAL UNIVERSITY, LALOO NAGAR, MADHEPURA.

5. DR. M.P. YADAV, VICE CHANCELLOR, B.N.M. UNIVERSITY, LALOO NAGAR, MADHEPURA.

.... RESPONDENT/S

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Appearance:

For the Petitioner/s : None

For the O.P. No.1,3 : None

For B.N. Mandal University : Mr. Neeraj Nandan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

55 25-07-2016

Learned counsel for the petitioners is absent.

Opposite Party No.1 as well as 3 are non-represented while Opposite Party Nos.2, 4 and 5 is being represented.

Learned counsel for the Opposite Party Nos.2, 4 and 5 has submitted that order impugned had already been complied with and to this effect supplementary show cause dated 04.07.2007 on their behalf is available on the record. Gone through the same.

Vide order dated 27.03.1995 passed in CWJC No.7139 of 1994 prayer of the petitioners, who claimed themselves to be an employee under different capacity of



Gorelal Mehta College, Laloo Nagar, Madhepura (40 in all) were allowed and on account thereof, opposite parties were directed to clear the dues and the aforesaid exercise, as directed, was completed within four weeks from the date of production /receipt of the order. The aforesaid exercise, as has not been taken up in terms of the order, consequent thereupon, petitioners filed instant MJC. It is unfortunate since 1995 the matter is pending even after having been admitted in the year 1999.

From the record it transpires, more particularly order dated 04.09.1998 that a sum of Rs.40,28,270/- was released in order to clear the dues. On 29.10.1998 supplementary affidavit was filed on behalf of petitioners showing their dues more than eighty three lacs and after adjusting the aforesaid amount Rs.40,28,270/- they insist for payment of remaining dues appertaining to Rs.43 lacs and odd. From the supplementary show cause dated 04.07.2007, para-2 thereof discloses that the matter has been taken up by the State Government and after due consideration, vide letter no.1390 dated 28.08.2000 released further amount Rs.40,80,410/-. The subsequent paras of the aforesaid supplementary show cause disclose that the aforesaid amount had already been relocated by the University to the concerned college and in likewise manner it gone to the account of respected petitioners. Furthermore, the supplementary show cause also deals with presence of utilization certificate. That

being so, as is now apparent not only from the supplementary show cause rather from the conduct of the petitioners itself by way of their absence that their grievances have duly been considered and properly been redressed. Therefore, instant petition, though admitted and further, some sort of lapses is found apparent considering the conduct of the opposite parties while abiding with the direction, but considering after all effect, this proceeding found to be inharmonious.

Consequent thereupon, the supplementary show cause is accepted whereupon instant proceeding is being dropped.

(Aditya Kumar Trivedi, J)

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