

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12417 of 2014

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Arun Kumar Saha S/o Late Mahendra Prasad Resident of Mohalla Belan Bazar, Main Road, P.O. and P.S. Kashim Bazar, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur.
6. The Principal. R.D. & D.J. College, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Shashi Priya Pathak

For the Respondent No.1 & 2: Mr. Rakesh Ambastha, AC to AAG-15

For the Respondent No. 3 to 5: Mr. Amarendra Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-05-2016 Heard the parties.

The petitioner, who claims to have superannuated from the post of Lecturer of the department of Botany of R.D. & D.J. College, Munger, has filed the present writ petition under Article 226 of the Constitution of India raising a grievance that without giving an opportunity of hearing and without issuing any show cause notice, the pension earlier fixed has been arbitrarily reduced/ revised w.e.f. November, 2013. Therefore, a prayer has been made that the respondents may be directed to pay the arrears of pension payable to the petitioner.

Though, this writ petition was filed way back on 21.07.2014 after service of its copy upon the learned counsel appearing on behalf of the respondents, yet no counter-affidavit has been filed on their behalf.

The learned counsel appearing on behalf of the



petitioner submits that for redressal of his valid grievances, the petitioner filed representations before the respondent Vice-Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur as also before the Registrar of Tilka Manjhi Bhagalpur University, Bhagalpur, but till date neither his valid grievances have been redressed nor the representation filed on his behalf has been finally disposed of.

In view of the nature of grievances raised on behalf of the petitioner in the present writ petition and in view of the fact that no counter-affidavit has been filed on behalf of the respondents, this Court is of the opinion that instead of keeping the matter pending before this Court awaiting counter-affidavit from the respondents, the interest of justice shall be sub-served if the petitioner is granted liberty to file a fresh comprehensive representation before the respondent Registrar of the University with all supporting documents raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a fresh 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 Registrar of the University shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the petitioner, at an early date preferably within a period of two months from the date of filing of such representation by the petitioner.

If on consideration of the materials and after hearing the parties, the respondent Registrar of the University 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 and lawful dues of the petitioner shall be paid to him without any unnecessary further delay.

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

(Birendra Prasad Verma, J)

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