

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6515 of 2011

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Rajendra Prasad, Son of Late Baijnath Singh, resident of Village Kandopur,
P.O. & P.S. Giriyak, District Nalanda, presently a retired Assistant of J.D.
Women's College, Patna

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Vikas Bhawan, Bailey Road, Patna
2. The Director, Higher Education, Human Resources Development Department, Vikas Bhawan, Bailey Road, Patna
3. The Vice Chancellor, Magadh University, Bodh Gaya, P.O. Bodh Gaya, District Gaya
4. The Registrar, Magadh University, Bodh Gaya, P.O. Bodh- Gaya, District Gaya
5. The Finance Officer, Magadh University, Bodh Gaya, P.O. Bodh Gaya, District Gaya
6. The Principal, J.D. Women's College, Patna, Bailey Road, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Upendra Prasad

For the Respondent/s : Mr. Ram Balak Mahto Ag

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 09-02-2016 Heard Sri Yugal Kishore, learned Senior Counsel, who was assisted by learned counsel for the petitioner, Sri Vikash Kumar, learned AC to Advocate General, Bihar and Sri S.S.Sundaram, learned counsel for the Respondent/Magadh University.

This is the second attempt on behalf of the petitioner to approach this Court with a prayer to direct the Respondents to pay arrear of his salary. Earlier, after retirement, the petitioner had filed a writ petition vide C.W.J.C.No.10484 of 2007, which was



disposed of along with number of writ petition vide Annexure-7 to the writ petition on 16.07.2008. Thereafter, on an allegation of non-compliance of the order of the writ court, the petitioner filed a contempt petition vide M.J.C.No.1846 of 2009, which too stood disposed of on 03.11.2010. While pursuing the contempt petition, a dispute was raised regarding quantum of payment of arrear of salary. However, the contempt petition was disposed of with an observation that quantification may not be adjudicated by this Court. While disposing of the contempt petition, liberty was granted to the petitioner to file a detailed representation before the Registrar of the University regarding quantification done by the University and the Registrar of the University was directed to take decision forthwith. Liberty was also granted to the petitioner to avail appropriate remedy in case of dispute with quantification. It was submitted that after the order passed in the contempt petition, the petitioner filed representation vide Annexure-13 to the writ petition on 19.11.2010 giving details, but till date, the petitioner has not received any response from the end of the University.

Sri S.S.Sundaram, learned counsel for the University submits that he has received a consolidated instruction, but no para-wise comment has been received. However, he accepts that in the instruction, which was sent by the University, nothing has

been indicated regarding decision on the representation i.e. Annexure-13 to the writ petition.

Accordingly, the Court proposes to dispose of the writ petition with a direction to the Registrar of the University i.e. Respondent no.4 to take final decision on the representation of the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order. If he considers the claim of the petitioner as genuine, he is required to clear the dues of the petitioner. Even in case of rejection the Registrar of the University is required to pass a reasoned order and communicate the same to the petitioner within the aforesaid period. If earlier decision on the representation of the petitioner had already been taken, the Registrar is required to communicate the same to the petitioner within the aforesaid time.

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

(Rakesh Kumar, J)

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