

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21578 of 2014

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Dr. Tutul Banerjee, W/o Late Dr. A. K. Banarjee, resident of Ajay Tutul Niwas, Hardayal Road, P.S. Katihar, Distt. – Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
3. The Vice Chancellor, B.N. Mandal University Lalu Nagar, Madhepura
4. The Vice Chancellor, L.N. Mithila University, Darbhanga
5. The Registrar, B.N. Mandal University Lalu Nagar, Madhepura
6. The Registrar, L.N. Mithila University, Darbhanga
7. The Finance officer, B.N. Mandal University Lalu Nagar, Madhepura
8. The Finance officer, L.N. Mithila University, Darbhanga
9. The Principal, Darshan Shah College, Katihar, a constituent Unit of B.N. Mandal University, Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Prasad, Adv.
For the Respondent nos.1&2 : Mr. Amaresh, AC to SC-11
For the Respondent nos.3,5&7 : Mr.Shashi Bhushan Singh, Adv.
For the Respondent nos.4,6&8 : Mr.Chandra Mohan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-05-2016

Heard the parties.

The petitioner claiming to be the widow of late Dr. A.K.Banerjee, who is said to have superannuated from service on 31.08.1998 from the post of University Professor of B.N.Mandal University, Madhepura, has filed the present writ petition for grant of the reliefs, as enumerated in paragraph 1 read with paragraph 10 of the writ petition.

Learned counsel appearing on behalf of the petitioner submits that some part of retiral dues is required to be paid by L.N.Mithila University, Darbhanga for the earlier period and for the subsequent period remaining part of retiral dues are required to be paid by B.N.Mandal University, Madhepura, but despite her

representations her lawful dues have not been paid by both the Universities.

This writ petition was filed way back on 16.12.2014 after service of its copy upon the learned counsel for the respondents, yet no counter affidavit has been filed either on behalf of the respondent B.N. Mandal University, Madhepura and its functionaries or on behalf of the respondent L.N.Mithila University, Darbhanga and its functionaries, though a counter affidavit has been filed on behalf of the respondent nos.1 and 2 stating therein that sufficient funds have been released by the State Government in favour of the respective Universities for payment of lawful dues to its employees.

In view of the nature of the grievances raised on behalf of the petitioner in the present writ petition and in view of the fact that no counter has been filed on behalf of the aforesaid two Universities and their functionaries till date, this Court is of the opinion that, instead of keeping the matter pending before this Court, the interest of justice shall be sub-served, if the petitioner is granted liberty to file her separate comprehensive representations before the Registrars of both the Universities with all supporting documents/materials and raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such separate comprehensive representations are filed on behalf of the petitioner with a certified copy of the present order within a period of one month from today, then the respondent Registrar of B.N.Mandal University, Madhepura as also the respondent Registrar of L.N.Mithila University, Darbhanga shall be obliged to consider and decide the claims raised on behalf of the petitioner by a reasoned and speaking

order, after giving an opportunity of hearing to all concerned including the writ 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 B.N.Mandal University, Madhepura as also the respondent Registrar of L.N.Mithila University, Darbhanga comes to a conclusion that the claims raised on behalf of the petitioner are admissible to her, then the consequential orders shall also be issued for grant of such admissible claims and lawful dues of the petitioner shall be paid without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition 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.

Arvind/-

(Birendra Prasad Verma, J)

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