

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13119 of 2014

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Nand Kishore Lal, Son of Late Prof. Shyam Sundar Lal, Resident of D/59/2
Gali No. 17 Sector 49, Hindan Vihar, Barola, Police Station - Gautam
Nagar, Noida, Uttar Pradesh.

.... Petitioner/s

Versus

1. The Vice Chancellor Tilkamanjhi Bhagalpur University, Bhagalpur.
2. The Pro-Vice Chancellor, Tilkamanjhi Bhagalpur University, Bhagalpur.
3. The Registrar, TilkaManjhi Bhagalpur University Bhagalpur.
4. The Financial Advisor, Tilkamanjhi Bhagalpur University, Bhagalpur.
5. The Financial Officer, Tilkamanjhi Bhagalpur University, Bhagalpur.
6. The Principal, Marwari College Bhagalpur, District - Bhagalpur.
7. The State of Bihar through the Principal Secretary, Education
Department, Government of Bihar, Patna.
8. The Deputy Secretary, Education Department, Government of Bihar,
Patna.
9. The Director, Higher Education, Education Department, Government of
Bihar, Patna.
10. The Deputy Director, Higher Education, Education Department,
Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Adv.
For the Respondent nos.1to6 : Mr. Rajendra Kumar Giri
For the Respondent nos.7to10 : Mr.Md. Anis Akhtar, AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 09-05-2016 Heard the parties.

The petitioner, who claims to have been working as
class-III employee of Marwari College, Bhagalpur, a constituent
unit of Tilka Manjhi Bhagalpur University, Bhagalpur and further
claims to have taken voluntary retirement from service by order
dated 03.04.2013 (Annexure-2), has filed the present writ petition
for the reliefs enumerated in paragraph 1 of the writ petition.

This writ petition was filed way back on 01.08.2014,
but till date no counter affidavit has been filed on behalf of the
respondent nos.1 to 6 against whom the main grievances have

been raised on behalf of the petitioner. However, a counter affidavit has been filed on behalf of the respondent no.7 to 9 stating therein that sufficient funds have been released by the State Government for payment of lawful dues of the employees of the University.

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 main contesting respondents 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 a fresh comprehensive representation before the respondent Registrar of the University with all supporting documents and raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is 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 Tilka Manjhi Bhagalpur University, Bhagalpur 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 Registrar of Tilka Manjhi Bhagalpur University, Bhagalpur comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, 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.

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

(Birendra Prasad Verma, J)

Arvind/-

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