

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20125 of 2014

=====

Meena Khatoon wife of Late Md. Nasim Ahmad, resident of Mohalla - Gulshanbagh (Katrapar), Police Station - Laheri, Biharsharif, District-Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Deputy Director, Higher Education, Human Resources Department, Government of Bihar, Patna.
3. The Vice Chancellor, Magadh University, Government of Bihar, Patna.
4. The Registrar, Magadh University, Bodh Gaya, Gaya.
5. The Finance Officer, Magadh University, Bodh Gaya, Gaya.
6. The Principal, Nalanda Mahila College, Nalanda at Biharsharif.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Lalan Kumar, Advocate

For the Respondent Nos. 1 & 2: Mr.Arvind Kumar, AC to SC 28

For the Respondent Nos. 4 to 6: Mr.Satyam Shivam Sundaram, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-05-2016

Heard the parties.

2. The petitioner, claiming to be widow of one Md. Nasim Ahmad, who was allegedly appointed on 24.07.1979 on the vacant and sanctioned post of Frog Catcher and subsequently died on 19.11.1999, has filed the present writ petition for grant of the reliefs as enumerated in paragraph 1 of the writ petition.

3. The learned counsel appearing on behalf of the petitioner, by referring to the averments made in paragraph 5 of the writ petition, submitted that the college in question became constituent on 24.01.1981 and even thereafter husband of the petitioner was allowed to work on the vacant and sanctioned post till his death in the year 1999. Therefore, according to him, the petitioner, being widow of the employee, is entitled to the reliefs prayed for in the present writ petition.

4. In the present case, a counter affidavit has been filed on behalf of the respondent no.3 and 4. The learned counsel appearing on behalf of the Magadh University, by referring to the averments made in the said counter affidavit, submits that there is no sanctioned post of Frog Catcher in the College in question; therefore the petitioner is not entitled to the reliefs prayed for in the writ petition.

5. However, despite repeated query made by this Court, the learned counsel appearing on behalf of the Magadh University has not been able to dispute the facts mentioned in the writ petition that the college in question became constituent in the year 1981. He has also not been able to show from the counter affidavit that services of the husband of the petitioner was never regularized, though it is asserted on behalf of the petitioner that husband of the petitioner was allowed to discharge his duty on the sanctioned and vacant post till his death in the year, 1999.

6. In view of the nature of dispute in the present writ petition and in view of the fact that sufficient materials have not been brought on the record either by the petitioner or on behalf of the respondents in the present proceeding, this Court is of the opinion that the matter should be examined afresh by looking into all the relevant records by the Registrar of the University and thereafter he should pass a reasoned order strictly in accordance with law with respect to the claims raised on behalf of the petitioner in the present writ petition. It is ordered accordingly.

7. In above view of the matter, the petitioner is directed to appear before the respondent Registrar, Magadh University (respondent no.4) with all supporting documents in support of her claims raised in the present writ petition within a

period of one month from today with a certified copy of the present order and thereafter the respondent Registrar either himself or any other competent authority of the respondent University, as per his direction, shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order, after looking into the relevant records as also after giving an opportunity of hearing to the petitioner, besides others, if any, at an early date preferably within a period of three months from the date of appearance of the petitioner, in the manner indicated above.

8. If on consideration of the materials and after hearing the parties, the competent authority of the respondent University comes to a conclusion that the claims raised on behalf of the petitioner are admissible to her, then consequential orders for grant of such admissible claims shall also be issued and lawful dues of the petitioner shall be paid without any unnecessary further delay.

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

(Birendra Prasad Verma, J)

Tahir/-

U			
---	--	--	--