

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19511 of 2014

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Dr. Shailendra Kumar Choudhary, son of Late Deonath Choudhary, resident of 86, Ram Krishna Avenue, Rajendra Nagar, P.S. Kadam Kuan, District - Patna. Petitioner/s

Versus

1. The Vice Chancellor Magadh University, Bodh Gaya, District - Gaya.
 2. The State of Bihar through the Human Resources Development Department, Government of Bihar, Patna.
 3. The Registrar, Magadh University, Bodh Gaya, District - Gaya.
 4. The Finance Officer-cum-Controller, Magadh University, Bodh Gaya, District - Gaya.
 5. The Principal-cum-Drawing Officer, S.M.D. College, Shripalpur, Punpun, District - Patna under Magadh University, Bodh Gaya District - Gaya. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Ajoy Kumar Chakraborty, Adv.
For the Respondent nos.1,3&4 : Mrs. Seema Ghazala, Adv.
For the Respondent no.2 : Mr.Prabhat Kumar, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 12-05-2016

Heard the parties.

The petitioner, who claims to have superannuated from service on 31.01.2006 from the post of Professor of Botany of S.M.D. College, Punpun, a constituent unit of Magadh University, Bodh-Gaya, has filed the present writ petition for grant of the reliefs, as enumerated in paragraph 1 of the writ petition.

This writ petition was filed way back on 17.11.2014 after service of its copy upon the learned counsel for the respondents, but till date no counter affidavit has been filed on their behalf.

In view of the nature of the grievances/claims 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 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 Magadh University, Bodh-Gaya (respondent no.3) 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 fresh 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 Magadh University, Bodh-Gaya 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 Magadh University, Bodh-Gaya 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.

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/-

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(Birendra Prasad Verma, J)