

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15859 of 2014

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Bibi Sabnam, wife of Late Md. Hasim, Resident of Mohalla -
Mohaddinpur, Haldi Para, P.O. & Police Station - Habibpur, District -
Bhagalpur

.... Petitioner/s

Versus

1. The Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar
2. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur
3. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
4. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur
5. The State of Bihar through the Principal Secretary, Education
Department, Government of Bihar, Patna
6. The Director, Higher Education Department, Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar, Adv.
For the Respondent nos.1to4 : Mr. Rajendra Kumar Giri, Adv.
Mr. Prem Kumar, Adv.
For the Respondent nos.5&6 : Mr.Ashok Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 09-05-2016 Heard the parties.

The petitioner, who is the widow of late Md. Hasim, who is said to have died on 19.10.2011 while he was still in service on class-IV post of the respondent Tilka Manjhi Bhagalpur University, Bhagalpur, has filed the present writ petition for grant of the reliefs enumerated in paragraph 1 of the writ petition.

Learned counsel appearing on behalf of the petitioner submits that during the pendency of the present writ petition some of the grievances of the petitioner have been redressed, but some other lawful claims are yet to be decided by the respondent authorities.

This writ petition was filed way back on 11.09.2014, but no counter affidavit has been filed on behalf of the respondent

nos.1 to 4, the main contesting respondents, till date. However, a counter affidavit has been filed on behalf of the respondent nos.5 and 6 stating therein that sufficient funds have been released by the State Government to the respondent University for payment of lawful dues of the 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 main contesting respondent nos.1 to 4 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 comprehensive representation before the respondent Registrar of the University with all supporting documents and raising all the pleas with respect to her surviving claims, 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 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.

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

(Birendra Prasad Verma, J)

Arvind/-

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