

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19020 of 2014

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Radha Kant Choudhary S/o Baikunth Choudhary, Resident of Village Sahasram, P.S. Biroul, District Darbhanga at present working as Routine Clerk, Janta Koshi College, Biroul, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Secretary, Higher Education, Human Resources Development Department, Govt. of Bihar, New Secretariat, Bailey Road, Patna.
3. The Director, Higher Education, Human Resources Development Department, Govt. of Bihar, Patna.
4. Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga through its Registrar.
5. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Finance Controller, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
7. The Principal, Janta Koshi College, Biroul, District Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha

For the Respondent No.1 to 3 : Mr. Anjani Kumar, AAG-6

Mr. Sanjay Kumar, AC to AAG-6

For the Respondent no. 4 to 6 : Mr. Ajay Behari Sinha

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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 of respondent L.N. Mithila University, Darbhanga from the post of routine clerk on 31.01.2014, has filed the present writ petition for grant of his surviving post retiral dues as enumerated in paragraph-1 as also in the relief portion of the writ petition.

This writ petition was filed on 10.11.2014, after service of its copy upon the learned counsel appearing on behalf of the respondents, but till date, no counter-affidavit has been filed on behalf of the respondent no. 4 to 6 against whom the main

grievances have been raised by the petitioner. However, a counter affidavit has been filed on behalf of the respondent no. 1 to 3 stating therein that sufficient funds have been released by the State Government in favour of the respondent University for payment of lawful dues of all the employees including the petitioner.

In view of the nature of grievances 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 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 Registrar of the respondent L.N. Mithila University, Darbhanga 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 the L.N. Mithila University either himself or any other competent authority of the respondent University, as per his direction, 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, besides others, if any, 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 competent authority of the University comes to a conclusion that claims raised on behalf of the petitioner are

admissible to him, then consequential order for grant of such admissible claims shall also be issued and lawful dues of the petitioner shall be paid to him 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 and this 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.

(Birendra Prasad Verma, J)

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