

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21779 of 2014

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Indu Shekhar Chaudhary, Son of Late Ghirat Narain Chaudhary, Resident of Mohalla-Professor Colony ,near Durga Sthan, P.S. + District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Vice-Chancellor, B.N. Mandal University, Madhepura.
4. The Registrar, B.N.Mandal University, Madhepura.
5. The Finance Officer, B.N. Mandal University, Madhepura.
6. The Principal M.J.M. Mahila College, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh
For the Respondent nos.1&2 : Mr. Manish Kumar, AC to GP-21
For the Respondent nos.3to6 : Mr.Mithilesh Kumar Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-05-2016

Heard the parties.

The petitioner claiming to be the husband of late Mira Chaudhary, who is said to have died in harness on 29.08.2008 while she was working on the post of Reader of M.J.M. Mahila College, Katihar, 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 18.12.2014, but till date no counter affidavit has been filed on behalf of the respondent nos.3 to 5 against whom the main grievances have been raised on behalf of the petitioner, though a formal counter affidavit has been filed on behalf of the respondent nos.1 and 2.

In view of the nature of the grievances raised on behalf of the petitioner in the present writ petition and in view of



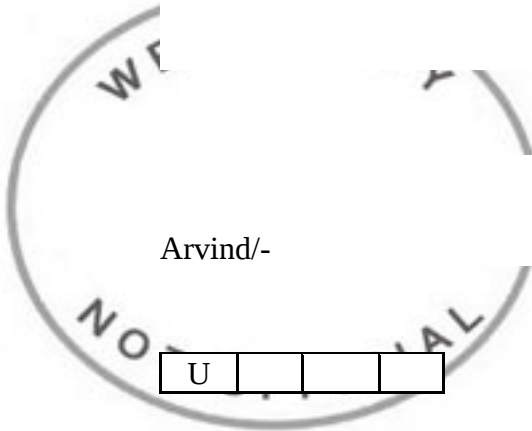
the fact that no counter has been filed on behalf of the main contesting respondents till date, this Court is of the opinion that, instead of keeping the matter pending before this Court, the interest of justice shall be sub-served, if the petitioner is granted liberty to file a fresh comprehensive representation before the respondent Registrar of the University (respondent no.4) with all supporting documents/materials 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 B.N.Mandal University, Madhepura 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 B.N.Mandal University, Madhepura 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.



(Birendra Prasad Verma, J)

Arvind/-

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