

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11484 of 2014

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Dr. Harihar Nath Mishra, S/o Late Makeshwar Mishra, R/o Ahiyapur, P.S. Ahiyapur, District Muzaffarpur.

.... Petitioner/s

Versus

1. Bhim Rao Ambedkar Bihar University, Muzaffarpur through its Vice Chancellor.
2. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
3. The Finance Officer, B.R.A. Bihar University, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sourendra Pandey, Adv.
Mr. Nalin Vilochan Tiwary, Adv.
For the Respondent/s : Mr. Santosh Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 06-05-2016

Heard the parties.

The petitioner, who claims to have superannuated from service on 31.07.2005 from the post of Head of the Department of Mathematics from M.J.K. College, Bettiah, has filed the present writ petition raising a grievance that his all post-retiral dues have not been paid by the respondent University and its functionaries till date despite several representations filed on his behalf.

This writ petition was filed way back on 09.07.2014, but till date no counter affidavit has been filed on behalf of the respondents, despite passage of almost two years since then.

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 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 Vice-Chancellor of B.R.A.Bihar University, Muzaffarpur 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 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 Vice-Chancellor of B.R.A.Bihar University, Muzaffarpur 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, 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 respondent University 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.

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

Arvind/-

(Birendra Prasad Verma, J)

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