

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11278 of 2014

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Dr. Prabhakar Sinha S/o Late Braj Nandan Pd. Sinha, resident of Nepali
Kothi Club Road, P.S. Mithanpura, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner-cum-Principal Secretary, Human Resources
Development, Govt. of Bihar, Patna
3. The B.R.A. Bihar University, Muzaffarpur through the Registrar
4. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur
5. The Registrar, B.R.A. Bihar University, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Respondent Nos. 3 to 5 : Mr. Vikas Ratan Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-05-2016

Heard the parties.

2. The petitioner, who claims to have retired from the post of Professor in the department of English of R.D.S.College, Muzaffarpur on 31.05.1998, has filed the present writ petition for the reliefs enumerated in paragraph 1 of the writ petition.

3. The learned counsel appearing on behalf of the petitioner submits that without any valid justification and without giving an opportunity of hearing to the petitioner, an amount of Rs.38,452/- was deducted from the retrial dues of the petitioner. Further grievance of the petitioner is that the pension of the petitioner has been fixed at the rate of Rs. 9415/- per month, instead of Rs.9640/- per month.

4. Though, the writ petition was filed way back on 07.07. 2014, after service of its copy upon the learned counsel appearing on behalf of the University, but till date, no counter affidavit has been filed on behalf of the respondent University.

5. In the aforesaid factual matrices, this Court is of the

opinion that no useful purpose shall be served by keeping the matter pending any longer; rather the interest of justice shall be subserved if the petitioner is granted liberty to file a comprehensive representation before the respondent no.5, Registrar of the university, with all supporting documents raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

6. If such a fresh comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent Registrar of the University shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the petitioner, at an early date preferably within a period of two months from the date of filing of such comprehensive representation by the petitioner.

7. If on consideration of the materials and after hearing the parties, the Registrar of the University comes to a conclusion that the 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 without any unnecessary further delay.

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

(Birendra Prasad Verma, J)

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