

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11232 of 2014

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Purshotam Singh S/o - Late Nageshwar Pd. Singh R/o - Mohalla - Gandhi
Nagar Motihari, P.S. - Motihari Town, Dist. - East Champaran.

..... Petitioner/s

Versus

1. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University
, Muzaffarpur.

2. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University,
Muzaffarpur.

3. The Deputy Registrar (I), Baba Saheb Bhim Rao Ambedkar Bihar
University, Muzaffarpur.

4. The F.O./S.O (Pension), Baba Saheb Bhim Rao Ambekdar Bihar
University Muzaffarpur.

5. The Principal, S.N.S. College Motihari, East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Respondent/s : Mr. Dhruba Mukherjee, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-05-2016

Heard the parties.

2. The petitioner 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 the petitioner superannuated from the post of Reader in the department of Economics of S.N.College, Motihari, East Champaran on 30.06.2008 and despite passage of more than seven years, his leave encashment amount for a period of 195 days has not been paid till date.

4. 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 respondent University, but till date, counter affidavit has not been filed on its behalf.

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

that counter affidavit has not been filed on behalf of the respondents, despite passage of about two years, 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 fresh comprehensive representation before the respondent Registrar of the university (respondent no.2) 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, the Registrar of the University comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then consequential orders for grant of such admissible claims shall be issued without any unnecessary further delay and his lawful dues shall be paid forthwith.

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

(Birendra Prasad Verma, J)

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