

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13586 of 2014

=====

Shambhu Nath Jha, S/o Late Vishweshwar Jha, Resident of Mohalla-Shardanagar, P.S.- Rosera, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Higher Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Higher Education, Govt. of Bihar, Patna.
3. The Vice- Chancellor, L.N. Mithila University, Darbhanga
4. The Registrar, L.N. Mithila University, Darbhanga.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Hemant Kumar Jha, Adv.
For the Respondent no.1 : Mr. Shailesh Kumar, AC to GP-20
For the Respondent nos.2to4: Mr. Ajay Bihari Sinha, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 06-05-2016

Heard the parties.

The petitioner, who claims to have retired from service on 31.01.2009 from the post of Reader of the Department of Botany from U.R. College, Rosera, Samastipur under the respondent L.N.Mithila University, 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 07.08.2014, but till date no counter affidavit has been filed on behalf of the respondent nos.3 & 4, against whom the main grievances have been raised. However, a formal counter affidavit has been filed on behalf of the respondent no.1 stating therein that the sufficient funds have been released in favour of the respondent University for payment of lawful dues of the employees.

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

contesting respondent nos.3 & 4 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 L.N.Mithhila 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 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 L.N.Mithhila University, Darbhanga 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 L.N.Mithhila University, Darbhanga 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)

U			
---	--	--	--