

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14894 of 2014

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Janki Mishra wife of Late (Prof.) Satish CHandra Mishra, Resident of Mohalla - Krishngarh (Sultanganj), Police Station Sultanganj, District - Bhagalpur

.... Petitioner/s

Versus

1. The Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar
2. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur
3. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
4. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur
5. The Principal, Munarka College, Sultanganj (A Constituent Unit of Tilka Manjhi Bhagalpur University, Bhagalpur
6. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna
7. The Director, Higher Education Department, Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar

For the Respondent No.1 to 4 :Mr. Gautam Kejriwal

Mr. R.K. Giri

For the Respondent No. 6 & 7 : Mr. Prabhu Narayan Sharma, AC to AG

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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 be the widow of late Satish Chandra Mishra, has filed the present writ petition raising a grievance that her deceased husband retired from service on 31.12.1996 from the post of University Professor, Department of Physics, Murarka College, Sultanganj, a constituent unit of Tilka Manjhi Bhagalpur University, Bhagalpur, but in spite of several representations filed by her as also by her deceased husband, all the post retiral dues have not been paid till date, which all have been enumerated in paragraph-1 as also paragraph-7 of the writ petition.

This writ petition was filed way back on 28.08.2014 and despite passage of more than twenty months, counter-affidavit has

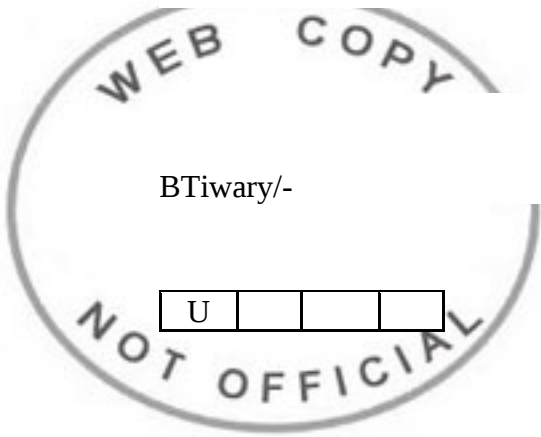
not been filed on behalf of the respondents including the contesting respondent no. 1 to 4.

In view of the 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, this Court is of the opinion that instead of keeping the matter pending before this Court awaiting counter-affidavit from the respondents, the interest of justice shall be sub-served if the petitioner is granted liberty to file a fresh comprehensive representation with respect to surviving claims before the respondent Registrar of the University 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 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 representation by the petitioner.

If on consideration of the materials and after hearing the parties, the respondent Registrar of the University comes to a conclusion that claims raised on behalf of the petitioner are admissible to her, then consequential order for grant of such admissible claims shall also be issued and lawful dues of the petitioner shall be paid to her without any unnecessary further delay.

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



(Birendra Prasad Verma, J)