

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17915 of 2014

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Md. Islamuddin son of Late Sk. Safir R/o Village - Simarya Tola, P.O. - Mohamdia, P.S. - Dagarwa, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
2. The Director Secondary Education, Human Resource Department, Government of Bihar, Patna.
3. The Vice Chancellor of B.N. Mandal University, Lalu Nagar, Madhepura.
4. The Registrar of B.N. Mandal University, Lalu Nagar, Madhepura.
5. The Principal of Nehru College, Shafquat Nagar, Bahadurganj, Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate
For the Respondent Nos. 1 & 2 : Mr. Sanjay Kumar, AC to GA 12
For the Respondent Nos. 3 to 5 : Mr. Raju Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 11-05-2016

Heard the parties.

2. The petitioner, who claims to have superannuated from service on 31.03.2010 from the post of Night Guard of B.N.Mandal University, Lalu Nagar, Madhepura, has filed the present writ petition for grant of reliefs as enumerated in paragraph 1 of the writ petition.

3 Though, the present writ petition was filed way back on 16.10.2014, after service of its copy upon the learned counsel appearing on behalf of the respondents, but till date, no counter affidavit has been filed on their behalf including respondent nos. 3 and 4, who are the main contesting respondents.

4. In view of nature of 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 in stead of keeping the matter pending before this Court, the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh comprehensive representation before the respondent Registrar of B.N.Mandal University, Madhepura with all supporting documents and raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

5. If such a fresh 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 the University, 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, besides others, if any, at an early date preferably within a period of two months from the date of filing of such comprehensive representation by the petitioner.

6. 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 consequential orders for grant of such admissible claims shall also be issued and lawful dues of the petitioner shall be paid without any unnecessary further delay.

7. It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner and this is left to be decided by the competent authority strictly in accordance with law.

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

(Birendra Prasad Verma, J)

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