

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14415 of 2014

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1. Dr. Arjun Kumar Sharma, aged about 72 years S/o Late Braj Mohan Singh Resident of Village Hati, P.O. Hati, P.S. Kako, District Jehanabad, at present residing at Dharari Bhawan, House of Tapeswar Singh, Behind L.I.C. Office, Jehanabad (Court Area) at P.O. and P.S. Jehanabad, District Jehanabad, retired as Principal cum Professor Incharge, Gopeshwar College, Hathwa.

.... Petitioner/s

Versus

1. Jai Prakash University, Chapra through Registrar, Dak Bunglow Road, Chapra, District Saran.
2. The Vice Chancellor, Jai Prakash University, Dak Bunglow Road, Chapra, District Saran.
3. The Registrar, Jai Prakash University, Dak Bunglow Road, Chapra, District Chapra.
4. The Finance Officer, Jai Prakash University, Dak Bunglow Road, Chapra, District Saran.
5. The Principal-cum-Professor Incharge, Gopeshwar College, Hathwa, District Gopalganj under J.P. University, Chapra.
6. The State of Bihar through Secretary-cum-Commissioner Department of Higher Education, Government of Bihar, Patna.
7. The Director, Higher Education, Government of Bihar, New Secretariat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Labh, Advocate
Mr. Shyama Kant Singh, Advocate

For the Respondent Nos. 1 to 4: Mr. Mrigendra Kumar, Advocate

For the Respondent Nos. 6 & 7 : Mr. Kaushal Kumar Jha, AAG 14

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 10-05-2016

Heard the parties.

2. The petitioner, who claims to have superannuated from service on 29.02.2004 from the post of Principal-cum-Professor-Incharge and Head of Department of Philosophy of Gopeshwar College, Hathwa, District Gopalganj, a constituent unit of the respondent Jai Prakash University, Chapra, has filed the present writ petition under Article 226 of the Constitution of India for grant of reliefs as enumerated in paragraph 1 of the writ

petition.

3. Though, the present writ petition was filed way back on 22.08.2014, 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 behalf of respondent nos. 1 to 4 against whom claims have been raised in the writ petition. However, a counter affidavit has been filed on behalf of the respondent nos. 6 and 7 stating therein that sufficient funds have been released in favour of the respondent University for payment of lawful dues of the employees.

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 main contesting respondent nos. 1 to 4 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 the University, respondent no.3, 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 within a period of one month from today with a certified copy of the present order, then the Registrar of Jai Prakash University, Chapra, 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 writ petitioner, 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 Registrar 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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