

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17828 of 2014

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Binod Kumar, S/o Late Mahadev Garain, R/o Mohalla - Professor Colony,
Dhaneshwarghat, P.S. - Biharsharif, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Special Secretary Education, Human Resources Department, New Secretariat, Patna.
2. The Vice Chancellor, Magadh University, Bodh Gaya, District - Gaya.
3. The Registrar, Magadh University, Bodh Gaya, District - Gaya.
4. The Finance Officer, Magadh University, Bodh Gaya, District - Gaya.
5. The Principal, Sardar Patel Memorial College, Udantpuri, Biharsharif, District - Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.U.B. Ray, Adv.
Mr. Binit Kumar, Adv.
For the Respondent nos.1 : Mrs. Abhanjalli, AC to GP-16
For the Respondent nos.2to5 : Mr.Vipin Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 10-05-2016 Heard the parties.

The petitioner, who claims to have superannuated from the service on 31.01.2011 from the post of Librarian of Sardar Patel Memorial College, Udantpuri, Biharsharif, Nalanda, a constituent unit of Magadh University, Bodh-Gaya, has filed the present writ petition for grant of the reliefs enumerated in paragraph 1 of the writ petition.

This writ petition was filed way back on 15.10.2014 after service of its copy upon the learned counsel for the respondents, but till date no counter affidavit has been filed on behalf of the respondent nos.2 to 5, the main contesting respondents.

In view of the nature of the grievances/claims raised on behalf of the petitioner in the present writ petition and in view



of the fact that no counter has been filed on behalf of the respondents including the Magadh University, Bodh-Gaya and its functionaries 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 Magadh University, Bodh-Gaya 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 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 Magadh University, Bodh-Gaya 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 respondent Registrar of Magadh University, Bodh-Gaya 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.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and it is left to be decided by the competent

authority strictly in accordance with law.

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

(Birendra Prasad Verma, J)

Arvind/-

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