

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 2820 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 2651 of 2017

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Karuna Ojha, W/o Baleshwar Ojha, resident of Village- Khabra, P.S.- Sadar,
District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Higher Education Namely Sri. R. K. Mahajan.
2. Secretary, Education Department, Govt. of Bihar, Patna, namely Sri. R.L. Chongthu.
3. Director, Higher Education, Govt. of Bihar, Patna, namely Prof. Shivesh Ranjan.
4. Secretary, Department of Finance, Govt. of Bihar, Patna, namely Sri Rahul Singh.
5. Vice Chancellor, B.R.A. Bihar University, Muzaffarpur, namely Sri A.N. Yadav.
6. Registrar, B.R.A. Bihar University, Muzaffarpur, namely Dr. Ajai Srivastav.
7. Finance Officer, B.R.A. Bihar University, Muzaffarpur, namely Pradyot Kumar.
8. Principal Secretary, Department of Labour, Government of Bihar, namely Sri Dipak Kumar Singh.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Maruth Nath Roy, Mr. S. Parasmani and Mr. Manoj Kumar, Advocates
For the State	:	Mr. Ashutosh Ranjan Pandey, A.A.G. 15 Mr. Priyadarshi Matri Sharan, A.C. to A.A.G. 15

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-11-2017



Heard learned counsel for the petitioner and State.

2. The petition has been filed alleging non compliance of order dated 14.07.2014, passed in C.W.J.C. No. 2651 of 2017. By the said order, there was a direction upon the concerned authorities to take a final decision in the matter of enhancement of age from 65 to 67 years of doctors working under the Universities within two months from the date of production of a copy of the order before them. The said order was communicated to the authorities on 18.07.2017.

3. Second supplementary counter affidavit filed on behalf of the opposite parties no. 1 to 3, discloses that decision has been taken and the age of superannuation has been enhanced from 65 to 67 years. Though the resolution is dated 20.11.2017, which is beyond two months stipulated for compliance of the order, but in view of the order having been complied with, the Court is not inclined to proceed in the matter of contempt against the concerned opposite parties.

4. Accordingly, the application stands disposed off.

5. However, as due to the consideration not being within the time frame fixed, the petitioner appears to have been deprived of getting benefit of the said decision.

6. Be that as it may, the said being a separate cause,



needs to be agitated by the petitioner in a duly constituted proceeding before the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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