

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20814 of 2010

Narayan Mistry, son of Late Prem Lal Mistry, resident of village Dwarichak,
P.O. + P.S. Pathargama, District Godda, Jharkhand

... .. Petitioner/s

Versus

1. The Hon'ble Chancellor of the Universities, Bihar, Raj Bhawan, Patna
2. The T.M. Bhagalpur University, Bhagalpur through its Registrar
3. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur
4. The Pro Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur
5. The Financial Advisor, T.M. Bhagalpur University, Bhagalpur
6. The Registrar, T.M. Bhagalpur University, Bhagalpur
7. The Finance Officer, T.M. Bhagalpur University, Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Kumar Jha , Advocate
For the University	:	Mr. Anjani Kumar, Sr. Advocate
		Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

9 03-11-2017 Heard the parties.

In the present writ application, the following reliefs have
been sought for on behalf of the petitioner :

(I) To hold and declare that the action of the
Respondent No.1 in not disposing of the Appeal
dated 02.05.08 (Annexure-11), preferred by the
petitioner before the respondent No.1 is illegal
arbitrary and unsustainable in the eye of law and on
facts both and is fit to be deprecated by this Hon'ble
Court.

(II) To hold and declare that in the eye of law
the Appeal preferred by the petitioner has been
rejected by Respondent No.1, hence this writ petition
is maintainable and is fit to be decided on merit of



this case.

(III) Issuance of an order, direction or a writ in the nature of certiorari quashing the Office Order No.16/03 dated 15.01.2003 (Annexure-6) to this writ petition, whereby and whereunder the petitioner has been awarded the punishment of withholding of (2) two increments with cumulative effect.

(IV) Issuance of an order, direction or a writ in the nature of mandamus directing/commanding the respondents concerned to release the said two (2) withheld increments to the petitioner.

(V) Issuance of an order, direction or a writ in the nature of certiorari quashing the Office Order No.24/07 dated 29.01.2008 (Annexure-7) to this writ petition, whereby and whereunder the promotion of the petitioner on the post of Sectional Officer in the respondent University has been cancelled.

(VI) Consequent upon the quashing of the Office Order No.24/07 dated 29.01.2008, a writ in the nature of mandamus may be issued directing/commanding the Respondent authorities concerned to grant all due benefits to the petitioner int erms with the order of petitioner's promotion on the post of Sectional Officer vide Office Order No.193/07 dated 09.08.07 (Annexure-1).

(VII) Issuance of an order, direction or a writ in the nature of mandamus directing/commanding the respondents concerned to re-fix the pensionary benefits of the petitioner treating him as a retired Sectional Officer, and consequent upon such re-



fixation, the Respondents concerned may further be suitably directed to ensure the payment of its all consequential benefits, that too, after supplying the details of such calculation to the petitioner in advance.

It has been pointed out on behalf of the Counsel for the University that an appeal is already pending before the Chancellor since 2008, which is evident from Annexure-11 to the present writ application.

Considering the submissions made on behalf of the parties, the petitioner is directed to pursue his appeal before the Chancellor and the Chancellor shall dispose of the said appeal within a period of three months from the date of filing of such appeal by the petitioner.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

Narendra/-

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