

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15762 of 2015

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Shashikant Choudhary, Son of Late Udit Narayan Choudhary, resident of village-
Mahishi, P.S. Mahashi, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resource Development Department,
Government of Bihar, Patna.
3. The Vice Chancellor, B.N. Mandal University, Laloo Nagar, Madhepura.
4. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.
5. The Finance Officer, B.N. Mandal University, Laloo Nagar, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Hitesh Suman, Advocate
For the University	:	Mr. Raju Giri, Advocate
For the State	:	Mr. Pankaj Kumar Singh, A.C. to S.C. 14

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 12-12-2017

Heard learned counsel for the petitioner; State and B.N.

Mandal University (hereinafter referred to as the 'University')

2. The petitioner has moved the Court for a direction to
pay his post retrieval dues after having superannuated on 31.01.2011.

3. Various affidavits have been filed on behalf of the
parties and ultimately on the last occasion, the Court had recorded in
its order dated 22.11.2017 that, from the materials available on
record, the respondents had not correctly disclosed the facts before



the Court, for which the Finance Officer and the Liaison Officer of the University had been called to appear in person today. In terms thereof, they are present and have also filed their show cause. The stand taken in the show cause is that the petitioner was the custodian of the file at the time when he superannuated and thereafter, he has not handed over all the records, including that relating to himself and copy of the official records which have been made annexures in the pleadings, including the reply filed by the petitioner, relate to the notings in the file and also official communications which are not available with the University officials. The stand before the Court today is reiterating the same and, further, that since none of those documents/files were brought to the notice of the officials as the same was not available in the office of the University, some delay has occurred in final settlement of the claim of the petitioner including adjustment of Rs. 2,00,000/- which was earlier said to be outstanding in his name. It was contended that now the said amount has been reconciled and Rs. 2,00,000/- shall be paid to the petitioner after completing the formalities. With regard to a letter written by the Branch Manager, State Bank of India, B.N. Mandal University Branch to the Finance Officer of the University dated 02.03.2017, it has been stated that on the basis of copy of the letter being brought on record by the petitioner, the same was sent for re-verification to the



Bank authorities and upon them certifying that only Rs. 50,000/- has been paid, which has been accounted for, they have taken a decision to release Rs. 2,00,000/- in favour of the petitioner.

4. At this juncture, the Court put a direct query to learned counsel for the petitioner as to how copies of official records, including file notings and communication by the Branch Manager to the Finance Officer of the University has been brought on record; upon instructions sought by him, the reply was that some person from the University gave it to him. Further, on specific query of the Court as to whether such copies were obtained in accordance with law under any provision like the Right to Information Act, the answer is in the negative. The matter being serious, in view of the stand taken by the University and also that copies of official documents, which are at least presumed not to be public and rather confidential, having been bravely brought on record by the petitioner, the Court further put a query as to who was the person who had supplied these papers, for the reason that any unknown person cannot be expected to oblige the petitioner in such a way that he would give him copies of official documents and that too only relevant for the purpose of the case, the response is that the petitioner does not remember the name of that person.

5. In the aforesaid background, the Court has no



hesitation to record that the contention of the University officials that the petitioner has in his possession all these official records is correct. However, on a query as to why steps were not taken to ensure recovery, the answer is that it was during the period of past officers, in the year 2011, when the present set of persons were not holding office and as the matter could not come to light and only upon the materials brought by the petitioner himself in the present proceeding, this fact has surfaced, no action was taken earlier. It was stated that immediately complaint would be lodged before the competent authority in the matter.

6. Accordingly, the writ petition stands disposed off with the observation that the University officials shall ensure that strict action, in accordance with law, is taken with regard to the petitioner keeping with himself the original records and also for filing copies of such original records without there being any explanation as to how the same were procured legally. The remaining payment of Rs. 2,00,000/- due to the petitioner shall also be paid to him within one month.

7. Before parting with the order, the Court would also endorse the view of the officials that strict action has to be taken against the petitioner for such conduct, where official copies are brought on record before the Court without there being any



justification or explanation as to how the same were procured without resorting to the legal provisions with regard to obtaining such documents.

(Ahsanuddin Amanullah, J.)

P. Kumar

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