

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14600 of 2015

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Balmukund Thakur Son of Late Nil Kanth Thakur, Retired Camp Guard Resident
of Residential Campus, Bihar Agriculture University, Sabour, P.O. and Sabour,
District - Bhagalpur

.... Petitioner/s

Versus

1. The Bihar Agriculture University, Sabour, Bhagalpur through its Vice Chancellor
2. The Vice Chancellor, Bihar Agriculture University, Sabour, Bhagalpur
3. The Comptroller, Bihar Agriculture University, Sabour, Bhagalpur
4. The Assistant Comptroller (Fund), Bihar Agriculture University, Sabour,
Bhagalpur
5. The Dean - Cum - Principal, Bihar Agriculture University, Sabour, Bhagalpur
6. The Chief Soil Survey Officer, Soil Survey & Land Use Planning Scheme, Bihar
Agriculture University, Sabour, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the BAU : Mr. Anjani Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 23-05-2017

Nobody appears on behalf of the petitioner. Learned
counsel for the Bihar Agriculture University, Sabour is present and
has assisted the Court.

2. The matter has been listed during the vacation after due
notice to parties that if they do not want the matter to be listed during
the Annual Vacation, then a slip to such effect be filed. No such slip is



available on record.

3. The petitioner was aggrieved by deduction of Rs. 33,966/- from his post retiral benefits on account of penal rent for the quarter he occupied from February, 2012 to February, 2013.

3. Learned counsel for the University, on the basis of averments made in the counter affidavit, submitted that for the same relief the petitioner had filed C.W.J.C. No. 915 of 2014 which, by order dated 09.09.2014 was disposed off without expressing any opinion on merit allowing the petitioner to file a representation. He submitted that upon such representation, order has been passed for deduction of Rs. 33, 966/-. Learned counsel submitted that as per law, the petitioner having overstayed in his official accommodation, penal rent is recoverable from him which has been done.

4. Having considered the matter and in view of the fact that earlier the petitioner had moved the Court for the same relief and no positive order was passed and only liberty was given to file representation, any decision on the said representation will not give a fresh cause of action, at least for moving again in a writ petition when no such liberty was granted. Moreover, on merits also, copy of the counter affidavit having been served on learned counsel for the petitioner on 12.07.2016 and no rejoinder to the same having been filed, the Court does not deem it necessary to keep the matter pending



as no interference is required.

5. In view thereof, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J)

Anjani/-

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