

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6539 of 2017

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Surendra Prasad Sinha S/o Late Janki Prasad Sinha, Resident of House No. 2H/67,
Bahadurpur Housing Colony, Gandhi Nagar, P.S.- Agam Kuan, District- Patna.

.... Petitioner/s

Versus

1. B. N. Mandal University, Laloo Nagar, Madhepura through its Vice Chancellor.
2. Registrar, B. N. Mandal University, Laloo Nagar, Madhepura.
3. Principal, M.J.M. Mahila College, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the University : Mr. Mithilesh Kumar Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 27-02-2018

Heard learned counsel for the petitioner and B.N. Mandal
University.

2. Pursuant to order dated 07.02.2018, the deponent of
the counter affidavit filed by the B.N. Mandal University is present
and has filed his show cause.

3. From the pleadings it appears that all the payable dues,
as has been raised in the writ petition, have been made and such
statement was also made in the counter affidavit filed on behalf of
the B.N. Mandal University, copy of which was served on learned
counsel for the petitioner on 02.02.2018. Subsequent thereto, on
07.02.2018 also, the matter was taken up and has been heard today
also. No rejoinder to the same having been filed till date, the Court



has no reason to disbelieve that at least as far as B.N. Mandal University is concerned, all retiral dues have been paid.

4. At this juncture, learned counsel for the petitioner submitted that prior to the bifurcation of the University, for the period he has worked under the erstwhile L.N. Mithila University, dues have not been paid.

5. Be that as it may, since neither such grievance has been raised in the writ petition nor L.N. Mithila University has been made a party, when the position is clear that for the period spent under the L.N. Mithila University, it is the L.N. Mithila University which has to pay and not B.N. Mandal University, the Court finds that the present writ petition has served its purpose and accordingly, the same stands disposed off.

6. However, if the petitioner finds that the dues, for the period he has served under L.N. Mithila University has not been paid, he has liberty to move before the appropriate forum, in accordance with, for such purpose.

(Ahsanuddin Amanullah, J.)

P. Kumar

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