

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19232 of 2017

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Dr. Binodanand Jha, Son of Late Gopi Raman Jha, Resident of Puja Grih Behind Town Hall, Gayatri Nagar, Motihari, P.O. and P.S. Motihari, District East Champaran.

.... Petitioner/s

Versus

1. The B.R.A. Bihar University, through its Registrar, having Office at University Campus, Muzaffarpur.
2. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
3. The Finance Officer, B.R.A. Bihar University, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-07-2018

Heard learned counsel for the petitioner and B.R.A.

Bihar University (hereinafter referred to as the ‘University’).

2. The petitioner has moved the Court for the following
reliefs:

“That this is an application for issuance of a writ of mandamus to command the respondents to pay the arrear of pension in 2006 UGC Scale, which was to paid in three instalment as 15%, 40% and 45% with interest and cost of this proceedings.”

3. In the counter affidavit, copy of letter written to the petitioner by the Registrar of the University bearing no. B/296 dated 09.03.2016, has been brought on record, which is a communication to the petitioner, in reply to his letter dated 05.01.2016, informing



that the arrears of difference of pension for the period from 01.04.2007 to 31.05.2012, has been paid in the ratio 15% amount Rs. 94,908/- on 15.05.2014; 40% of the amount Rs.1,97,089/- on 26.10.2015 and 45% of the amount Rs. 2,38,899/- on 04.12.2015 and accordingly, there was no further dues unpaid.

4. The Court is really surprised and also shocked at the conduct of the petitioner. He has moved the Court for payment of three installments in the ratio of 15%, 40% and 45%, but has not disclosed the fact that specifically on this account, payment had already been made to him in the years 2014 and 2015 itself. This clearly amounts to the petitioner suppressing material facts and not coming to the Court with clean hands, which is a *sine qua non* for exercise of the extraordinary, prerogative and discretionary jurisdiction of the Court under Article 226 of the Constitution of India.

5. For the reasons aforesaid, both on merits and on account of the petitioner not coming to the Court with clean hands, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

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