

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14445 of 2014

=====

Amar Nath Jha S/o Late Janardan Jha Resident of Village Gadhia, P.S.
Bangoan, District Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Govt. of Bihar, Patna.
2. The B.N. Mandal University, Madhepura through its Registrar.
3. The Vice Chancellor, B.N. Mandal University, Madhepura.
4. The Registrar, B.N. Mandal University, Madhepura.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Md. Mujtabaul Haque, G.P.12

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 21-08-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

This writ application was filed with two advance
copies to the respondents on 22.8.2014 but unfortunately even
after four years no counter affidavit has been filed on behalf of
the University.

On behalf of the State a stand has been taken that
University is competent to examine the claim and to redress the
grievance of the petitioner with regard to payment of admissible
dues.

In the absence of the counter affidavit of the
University, the Court is not in a position to authoritatively
decide the entitlement of the petitioner. Accordingly, the writ



petition is disposed of with liberty to the petitioner to file exhaustive representation indicating admissible dues payable to the petitioner and in case such representation is filed by the petitioner alongwith a copy of this order, the Vice-Chancellor of the University is obliged to decide the representation proposed to be filed by a reasoned speaking order within a maximum period of three months from the date of receipt/production of a copy of this order.

It goes without saying that if the University admits the claim of the petitioner for payment of difference of arrears/ salary, the University is required to ensure payment within a further period of one month, failing which the arrears will carry interest at the rate of 9 per cent per annum which will be born out from the erring Officers of the University and the Vice-Chancellor is required to fix accountability by identifying the erring officers in this case.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

