

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10750 of 2017

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1. Baby Kumari W/o Sanjay Kumar, D/o of late Shyam Kishore Prasad Sinha, Resident of Village- Gadua, P.S.- Chewara, District- Sheikhpura.
 2. Anil kumar
 3. Manoj Kumar, Both S/o late Shyam Kishore Prasad Sinha, Both Resident of Village- Shyam Sadan, Saket More, Shivpuri, P.S. Barbigha, District- Sheikhpura

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Tilka Manjhi Bhagalpur University through its Registrar.
3. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Pro-Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
6. The Principal, S.K.R. College, Barbigha.

.... 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: 25-09-2018

Heard learned counsel for the petitioners; State and T.M. Bhagalpur University (hereinafter referred to as the 'University').

2. The petitioners were substituted as their father died during the pendency of the writ petition.

3. The prayer in the writ petition is as under :-

“ i) Issuance of an appropriate writ including a writ in the nature of mandamus directing and commanding the respondents to forthwith sanction and pay the remaining retiral dues of the petitioner who superannuated from service as a Reader



Physics Department on 31.07.2009 from S.K.R. College, Barbiga, Sheikhpura, which the respondents are not paying in spite of repeated reminders and necessary actions. The unpaid retiral dues including G.I.C. Earned Leave, Provident Fund and arrear of difference of salary between the period 1996-2005.

ii) Issuance of an appropriate writ including a writ in the nature of writ of mandamus, commanding and directing the respondents to pay all the dues with interest from the time they become due till the actual payment of the dues.”

4. The Court, by way of indulgence and to facilitate payment of the genuine dues of the petitioners, had directed for an exercise which required the petitioners to give affidavit that they were the only heirs of the deceased and further an indemnity bond. From what has been submitted by the petitioner no.1 to the authorities, the Court has no hesitation to record that the same are totally insufficient. The authorities are well within their jurisdiction to insist for proper identification and appearance of all the persons, who claim to be the heir, before the authorities along with supporting identification documents and then to sign all affidavits and bonds so that the authenticity of the documents can be accepted.

5. Learned counsel for the University submitted that he has three cheques each prepared in favour of the petitioners.

6. The Court in view of the aforesaid, not being



satisfied with the documents submitted or steps taken and also that all the petitioners had not appeared before the authorities and acceptable identification documents not submitted, the Court would not direct the University to hand over such cheques to the petitioners.

7. Accordingly, the writ petition stands disposed off with liberty to the petitioners to appear before the Registrar of the University and satisfy him with regard to their identity and other issues which the University is entitled to insist for. Upon the same being done, the cheques prepared in their names shall be handed over to them. Further, the petitioners shall be entitled to file detailed representation before the Registrar with regard to any remaining grievances. If the same is done, the Registrar shall consider and dispose off the representation by passing a reasoned order.

8. Before parting, the Court would indicate that payments be made to the petitioners within two weeks from completing of the formalities in accordance with law.

(Ahsanuddin Amanullah, J.)

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