

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14075 of 2018

=====

Manindra Kumar Pandey, son of Late Sushil Chandra Pandey, resident of Mohalla-Kailashpuri Colony, P.O.-Mirjanhat, P.S.-Mojahidpur, District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Vice-Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
3. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 25-09-2018

Learned counsel for the petitioner; State and T.M. Bhagalpur University (hereinafter referred to as the 'University') have assisted the Court.

2. It is unfortunate that State authorities do not comply with specific orders of the Court. On 04.09.2018, the Court had fixed the case for today with specific direction that the State shall also file detailed counter affidavit, especially with regard to when the matter was received by the Pay Verification Cell and whether the same has finally issued the certificate. It was further stipulated that if the same is not issued, it shall be ensured that the same is done before the affidavit is filed.



3. Despite such specific direction, no affidavit has been filed on behalf of the State Authorities.

4. It is equally unfortunate that even the petitioner has not stated the truth before the Court and in fact a patent lie has been stated, which was also incorporated in the order of the Court dated 04.09.2018. The specific misrepresentation was that though the University had assured payment through cheques dated 22.06.2017 and 06.04.2018, actual payment was credited into the account only after the order of the Court dated 23.07.2018. However, from the affidavit filed today by the University, it transpires that the cheque dated 22.06.2017 was personally received by the petitioner on 05.07.2017 and further the amount sent through cheque dated 06.04.2018 was credited into the account of the petitioner on 10.04.2018. Such fact is not denied by the learned counsel for the petitioner.

5. In view of the aforesaid, the Court finds that the conduct of the State Authorities as well as the petitioner is not proper and fair.

6. The State Authorities have willfully not complied with the order and the petitioner has also stated patent falsehood before the Court.

7. In view of the aforesaid, the writ petition stands



dismissed.

8. Moreover, for such conduct, Rs. 10,000/- cost is imposed on the State to be deposited in the Juvenile Justice Fund of the State Social Welfare Department. The same be deposited within two weeks and receipt filed, failing which Registry shall place the matter before the Bench for appropriate orders.

(Ahsanuddin Amanullah, J)

N.H./-Ranjeet

AFR/NAFR	
U	

