

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16559 of 2017

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Manas Kumar Jha, S/o Sri Arun Kumar Jha, Resident of Vill.- Banuchapar, P.S.-
Bettiah Mufassil (Banuchapar O.P.), District- West Champaran.

.... Petitioner/s

Versus

1. Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur, through its Registrar.
2. The Vice Chancellor, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
3. The Registrar, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
4. The Principal, Mahant Darshan Das Mahila College, 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: 27-08-2018

Heard learned counsel for the petitioner and B.R.A. Bihar
University (hereinafter referred to as the 'University').

2. Pursuant to order dated 31.07.2018, the respondents
no. 2, 3 and 4 are present and have also filed their show cause.
Reply has also been filed on behalf of the petitioner.

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

*“A. For issuance of an appropriate writ,
order/s, direction for the followings:-*

*I. To pay to the petitioner all the retirement
benefit (G.P.F., Welfare Fund, Earn Leave and
Gratuity) of her mother, Late Manorma Jha, who
died in harness on 20.08.2014 while working as
reader and head of the department of music at
Mahant Darshan Das Mahila College,
Muzaffarpur.*



II. To hold that the petitioner is entitled to get the aforesaid benefit as other nominees/heirs of late Manorma Jha have given their consent for payment of the benefit in question to the petitioner.

B. For any other relief/s to which the petitioner are found entitled to.”

4. The stand of the authorities is that the petitioner is only one of the heirs of the deceased employee and unless the authorities are satisfied with regard to the *bona fide* and claim of the petitioner, payments cannot be made.

5. From the entire pleadings, the Court finds that the petitioner has not been true before the authorities inasmuch as, he has not disclosed the correct relationship and with regard to the heirs left behind by the deceased employee, who was his mother.

6. From the pleadings on record, it appears that various documents have been called from the petitioner but basically the stand today before the Court is that legally admissible documents to show the heirs of the deceased employee are not before the authorities and moreover, before making any payment, the heirs shall also have to give an undertaking that if in future, any controversy arises and the University is required to make payment to any other claimant, the same shall be recoverable from them, then only such payments can be made.

7. The Court finds that though there is slackness on the



part of the University in not promptly communicating their stand to the petitioner with regard to submission of acceptable documents relating to the heirs left behind by the deceased employee, however, in view of the position emerging and the lack of information before the University in the form required in law, the Court does not deem it appropriate to issue any positive directions.

8. Let the petitioner file all relevant documents which are legally admissible before the University with regard to his claim and upon the same being done, it shall be ensured that whatever is payable to him, in accordance with law, is paid within three weeks thereafter.

9. The writ petition stands disposed off in the aforementioned terms.

10. Personal appearance of the officers stand dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

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