

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 21349 of 2018

=====

Most. Bimala Devi, Wife of Late Shanti Nath Jha, "Sudhanshu" resident of Village-
Bhitthi Salempur, P.S. Pandaul, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Higher Education, Bihar, Patna.
2. The Secretary, Department of Higher Education, Bihar, Patna.
3. The Chancellor, Bhim Rao Ambedkar University, Muzaffarpur.
4. The Vice Chancellor, Bhim Rao Ambedkar University, Muzaffarpur.
5. The Registrar, Bhim Rao Ambedkar University, Muzaffarpur.
6. Smt. Kanak Lata Jha, Wife of Late Shanti Nath Jha, "Sudhanshu".
7. Bibhash Kumar, Son of Late Shanti Nath Jha, "Sudhanshu".
8. Abhash Kumar, Son of Late Shanti Nath Jha, "Sudhanshu".
9. Prabhash Kumar, Son of Late Shanti Nath Jha, "Sudhanshu", Respondent No. 6 to 9, resident of Mohalla- Shivpuri Majhauriya Chauk, P.O. Main Post Officer, P.S. Kaji Mahammadpur, District- Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.
For the State : Mr. J.K. Roy, SC-13

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 20-11-2018

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

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

*"That present application is being
filed to issue a writ in the nature of certiorari to
quash the order dated – 14.08.2018, passed by
Registrar Baba Saheb Bhim Rao Ambedkar, Bihar
University, Muzaffarpur, by which he has refused
to pay family pension and other retirement benefits
to the petitioner who is the widow of Late
Shantinath Jha "Sudhanshu", retired from the post
of Upacharya of Hindi Department from the*



Rameshwar Singh College, Muzaffarpur under Bhim Rao Ambedkar University, Muzaffarpur, further for issue a writ in the nature of mandamus to command the Respondent Authorities to pay the family pension and other retirement benefits with statutory interest from due date till actual payment is made to the petitioner as she is the legal married wife of Late Shanti Nath Jha “Sudhanshu”, retired from the post of Upacharya of Hindi Department from the Rameshwar Singh College, Muzaffarpur under the respondent university, further for grant of any other relief/reliefs for which the petitioner is entitled in the facts and circumstances of this case.”

3. Earlier also, the petitioner had moved the Court for the same relief in C.W.J.C. No. 12398 of 2014, which was disposed off by order dated 05.05.2016, giving liberty to the petitioner to file fresh comprehensive representation before the Registrar of the University, who was required to pass a reasoned order. Finally the said order was passed on 14.08.2018 when the petitioner moved in M.J.C. No. 3418 of 2016, which was disposed off by order dated 20.08.2018, with liberty to the petitioner to seek her remedy in accordance with law before a competent Court/ authority.

4. From the aforesaid, it is clear that a reasoned order on facts has been passed against the petitioner in which also it has been observed that the jurisdiction to interfere in the matter was not vested with the authority concerned. Even in the considered opinion of this Court, the petitioner now has to agitate the matter before the



Civil Court of competent jurisdiction for any relief in the facts and circumstances of the present case and which is also reflected in the tenor of the order dated 20.08.2018 and the writ Court is not the appropriate forum as contested facts have to be looked into and finding recorded which can be done only after adducing evidence.

5. Accordingly, the writ petition stands disposed off with liberty to the petitioner to pursue the matter before the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

