

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 2821 of 2016

arising out of

Civil Writ Jurisdiction Case No.11470 of 2011

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Shree Bhadra Jha, son of late Nand Kishore Jha, resident of village-Rewari,
P.S.-Anghar Ghat, District- Samastipur.

... .. Petitioner/s

Versus

1. Lalit Narain Mithila University through its Registrar, Kameshwar Nagar Darbhanga.
2. Sri Saket Kushwaha, father's name not known to the Petitioner, the Vice Chancellor, Lalit Narain Mithila University, Kameshwar Nagar, Darbhanga.
3. Sri Ajit Kumar Singh, father's name not known to the Petitioner, the Registrar, Lalit Narain Mithila University, Kameshwar Nagar, Darbhanga.
4. Sri Ram Bharat Thakur, father's name not known to the Petitioner, the Finance Officer, Lalit Narain Mithila University, Kameshwar Nagar, Darbhanga.
5. Dr. Jay Shankar Prasad, father's name not known to the Petitioner, the Principal, Samastipur College, Samastipur.
6. Sardar Arwind Singh, father's name not known to the Petitioner, the Principal, R.N.A.R. College, Samastipur.
7. The State of Bihar, through Sri R.K. Mahajan, the Principal Secretary, Department of Education, Government of Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Nazir Ansari with Mr. Ganesh Singh and Mr. Arup Kumar Chongdar, Advocates
For the University	:	Mr. A. B. Sinha, Advocate
For the State	:	Mr. Anil Kumar, AC to SC-8

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 01-05-2019

Learned counsel for the parties are present.



2. It is submitted at the bar that the fourth order recorded, dated 17.04.2019, has erroneously been typed, as the present matter had not been disposed off though it has been recorded that the application stands disposed off.

3. After hearing the parties, the Court finds that the contention is correct. From the records maintained by the Court Master, it transpires that the present case was never called out on 17.04.2019 and, thus, there could not have been any order, much less, regarding the application having been disposed off.

4. Accordingly, the fourth order, as recorded, dated 17.04.2019 stands recalled.

5. The matter is restored to its original file and number.

6. Coming to the merits, it appears that the alleged contempt was with regard to non-payment of 12% per annum interest on delayed payment. From the show cause filed on behalf of Lalit Narayan Mithila University (hereinafter referred to as the 'University') on 18.12.2018, after service of copy on learned counsel for the petitioner and State, it transpires that payment of 12% interest has also been made, the total coming to Rs. 6,76,896/-.

7. As there has been no rejoinder filed controverting such stand, the Court can only presume that payments have also been received by the petitioner. However, if actual payments have



not yet been credited into the account of the petitioner, the University shall ensure that the same is done positively within two weeks from today.

8. The extra burden on the University is totally on account of non-compliance of the order dated 14.08.2015 in CWJC No. 11470 of 2011 by which three months time was given for making payment and only upon failure to do so within three months, the payments were to carry interest @ 12% per annum. The Court has no hesitation to observe that three months time is more than sufficient to make payment, that too, under the orders of the Court. Thus, if the same has not been done and for quite a long time so as to saddle the State exchequer with additional burden of Rs. 6,76,896/-, the Court would not shut its eyes with such negligence and callous conduct of the University authorities.

9. Accordingly, a direction is issued to the Vice Chancellor of the University to get a thorough enquiry conducted and to fix responsibility on the person(s) responsible for such delayed payment. Upon the responsibility being fixed, the amount paid to the petitioner under the head of interest shall be recovered from them in the proportion as may be indicated in the finding arrived at by the Vice Chancellor of the University. The exercise be completed within four months.



10. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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