

(2019) 09 PAT CK 0022

In the Patna High Court

Case No : Miscellaneous Jurisdiction Case No. 1904 Of 2016, Civil Writ
Jurisdiction Case No. 8119 Of 2015

Phanidhar Mishra

APPELLANT

Vs

Kameshwar Singh Darbhanga Sanskrit University And Ors

RESPONDENT

Date of Decision : 04-09-2019

Acts Referred:

Citation : (2019) 09 PAT CK 0022

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Kaushalesh Choudhary, Binodanand Mishra, Manoj Kumar

Final Decision : Allowed

Judgement

1. Heard learned counsel for the petitioner and learned counsel for the KSD Sanskrit University (hereinafter referred to as the 'University').
2. From the pleadings and materials on record, the Court finds that the order dated 18.01.2016 passed in CWJC No. 8119 of 2015, has been complied with.
3. In view thereof, the application stands disposed off.
4. However, with regard to the calculation made by the University as explained in the 4th supplementary show cause filed on its behalf, it shall be open to the petitioner to contest the same by filing a detailed representation before the Registrar of the University. If the same is done within four weeks from today, the Registrar of the University shall be obliged to look into the matter and after verification from the records, pass a reasoned order within four weeks from the date of filing of such representation. If anything further is found due and payable to the petitioner, the same shall also be paid to him within the next three weeks.
5. Before parting with the case, the Court records its strong displeasure at the conduct of the University. In the 3rd supplementary show cause filed on behalf of the University, the amount payable to the petitioner was indicated as Rs.

9,65,399/-. The said calculation has been made by five officers of the University, including the Registrar and Finance Officer. The same is dated 18.07.2019. However, in the 4th supplementary show cause filed on behalf of the University, a chart is given in which the pension till May, 2019 has been added which makes the total dues payable to the petitioner as Rs. 10,67,108/-. The Court finds that there has been utter casualness on the part of the University in bringing materials before the Court in the present proceeding. On 18.07.2019, the up-to-date position i.e., till June, 2019 had to be brought on record. Thus, coming out with a figure which was not up-to-date, which is proved by the documents of the University itself, which has been brought on record by way of Annexure-E in the 4th supplementary show cause, the Court finds that a truncated fact had been placed before the Court, on oath, creating confusion, which clearly was an impediment in the proper consideration of the case, as the figures kept on changing from time to time without any justification.

6. Accordingly, for such conduct, the Court deems it appropriate to impose cost of Rs. 5,000/- on the Registrar of the University, to be deposited in the Juvenile Justice Fund of the State Social Welfare Department and receipt filed within two weeks, failing which the Registry shall place the matter before the Bench for appropriate orders.