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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19300 of 2013

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Bihar Shiksha Pariyojna Parishad, through its State Project Director Shiksha Bhawan, Saidpur, Rajendra Nagar, Patna

.... Petitioner/s

Versus

The Regional Provident Fund Commissioner, Employee Provident Fund Organization, Regional Office at R- Block Road No. – 6, Bihar, Patna

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Girijish Kumar
For the Respondent/s : Mr. Prashant Sinha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 21-09-2015 Heard Sri Girjesh Kumar, learned counsel for the petitioner and Sri Prashant Sinha, learned counsel for the Respondent/ Regional Provident Fund Commissioner, Employees Provident Fund Organization.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of an Order passed by the Regional Provident Fund Commissioner (C&R), Regional Office, Patna under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as "the Act").

Learned counsel for the petitioner submits that in respect of some other years similar orders were passed, which

were challenged in Appeal before the Employees Provident Fund Appellate Tribunal, New Delhi and same has been rejected. Thereafter, the petitioner has preferred the writ petition.

Learned counsel for the Respondent at the very outset submits that since against the impugned order there is statutory remedy of Appeal, this Court may not interfere with the matter.

The Court is of the opinion that if there is statutory remedy available to the petitioner certainly writ jurisdiction may not be invoked. This Court recently in a case i.e. CWJC No. 533 of 2015 on 26.8.2015 relying on number of judgments of the Apex Court particularly, in a case reported in **(2010) 8 SCC 110 (United Bank of India v. Satyawati Tondon and others)** has refrained to interfere with the matter in view of availability of statutory remedy.

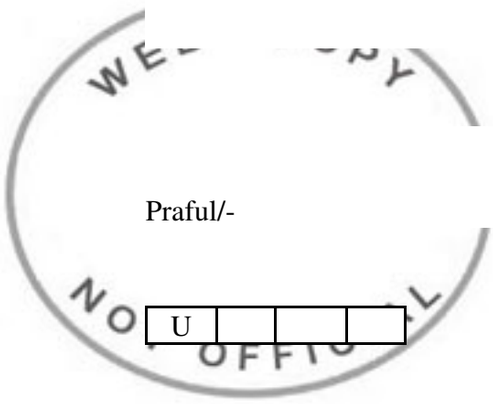
Accordingly, this Court is not inclined to interfere with the matter. The writ petition stands disposed of. If so advised petitioner may avail statutory remedy.

It goes without saying that non-interference by this Court with the impugned order may not prejudice the Appellate Authority.

It also goes without saying that period consumed by the petitioner i.e. since 23.9.2013 till date shall be excluded while

considering the limitation matter.

The writ petition stands disposed of.



(Rakesh Kumar, J)

Praful/-

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