

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19081 of 2010

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1. Satish Kumar S/O Firangi Mahto R/O Vill.- Sumaaka, P.O.- Chorbar, P.S.- Ariyari, Distt.- Sheikhpura
 2. Annpurna Sinha D/O Radhey Prasad, W/O Kailash Prasad R/O Vill.- Sumaka, P.S.- Ariyari, Distt.- Sheikhpura
 3. Mohmmad Ahsan Naiyar S/O Md. Abdul Halan R/O Mohalla- Ansar Nagar, P.O.- Kamalpur, P.S.- Nawada, Distt.- Nawada
 4. Parmeshwar Prasad S/O Shri Nandlal Sinha R/O Vill.- Aifani, P.S.- Ariyari, Distt.- Sheikhpura
 5. Shankar Prasad S/O Shri Sukhdeo Prasad R/O Vill.- Kashichak, P.S.- Kashichak, Distt.- Nawada
 6. Krishan Murari S/O Nand Kishore Prasad R/O Vill.- Dashrathpur, P.O.- Pawapuri, Distt.- Nawadah

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Department Of Human Resources Development, Government Of Bihar, Patna
3. The Additional Secretary (Higher Education) Department Of Human Resources Development, Government Of Bihar, Patna
4. The District Education Officer, Sheikhpura
5. The Bihar Intermediate Education Council, Patna Now Known As Bihar School Examination Board (Higher Secondary), Through Its Secretary
6. The Chairman, Bihar School Examination Board (Higher Secondary), Patna
7. Sasbahana College, Sasbahana (Munger) Sheikhpura Through Its Secretary
8. Sri Maheshwar Prasad Sinha S/O Late Nath Sahay Secretary Sasbahana College, Sasbahana, R/O Vill.- Sasbahana, P.S.- Ariyari, Distt.- Sheikhpura
9. Sri Devendra Prasad Sinha, In-Charge Principal Sasbahana College, Sasbahana, Distt.- (Munger) Sheikhpura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Respondent/s : Mr. Deepak Sahay Jamuar, A.C. to AAG-6

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 23-01-2015

Heard the parties.

The real grievance of the petitioners raised through this application can be appreciated from the statements made in

paragraphs 9 and 10 of the writ application which read as under:

“9 That later on some time in the year 1992-93 quite a filthy politics and groupism started among the staffs of the college virtually two groups formed in the college one lead by the Secretary and another lead by the In-charge Principal. Lastly the Secretary namely Sri Maheshwar Prasad Sinha left the college in 1994 due to his ill health and some due to filthy politics. Petitioners learnt that the list of teachers and non-teaching staffs, which has been sent by In-charge Principal in the year 1994 or thereafter, does not carry their names. They all have been removed from the college staff by the In-charge Principal. Thus his action in this regard is highly malafide and motivated one.

10. That all the petitioners are appointed during tenure of the then Secretary namely Sri Maheshwar Prasad Sinha. After relinquishing his post of Secretary, the In-charge Principal started to create problems for the petitioners, such as they were not allowed to make attendance in the college register since 1994 itself, though they regularly attending the college, in this regard petitioners along with similarly situated staffs represented times without numbers before the Intermediate Council and District Education Officer, Sheikhpura but all went in vain and no any action was taken by them till date.”

Admittedly, list of those teachers and non-teaching staffs for appointments were prepared by the Managing Committee in 1994. After expiry of such a long period of time, any such grievance relating to the preparation of the list by the Committee and the jurisdiction of the Managing Committee cannot be gone into by this Court invoking its extraordinary and discretionary writ jurisdiction. That apart, the law is settled that writ would not be issued to the Managing Committee of an institution which cannot be construed as

State within the meaning of Article 12 of the Constitution of India.

The application, therefore, merits to be dismissed on both the counts.

I order accordingly.

The order present, however, will not preclude the petitioners from invoking the other remedies available to them in law.

(Kishore Kumar Mandal, J)

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