

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23693 of 2013

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Dr. Vimlesh Vivuti Ranjan son of Late Jagdish Narayan Sinha, resident of
Mohalla - Sikandarpur Kundal, P.S. Town Muzaffarpur, District -
Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. Of Bihar, Patna
2. Principal Secretary, Science and Technology Department, Govt. of Bihar,
Patna
3. Director, Science and Technology Department, Govt. of Bihar, Patna
4. Joint Secretary, Science and Technology Department, Govt. of Bihar,
Patna
5. Deputy Secretary, Science and Technology Department, Govt. Of Bihar,
Patna
6. Principal, M.I.T., Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad, Sr. Advocate
Mr. Pramod Kumar

For the Respondent/s : Mr. Dharendra Kumar, AC to AAG 10

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

3 07-01-2015 Heard learned senior counsel for the petitioner and
counsel for the State.

This application is required to be dismissed for more
than one reason. The primary reason is that it is a case which
comes within the ambit of common law remedy and not under
extra-ordinary remedy under Article 226 of the Constitution.
Engagement of the petitioner by virtue of a contract entered
between the petitioner and the respondent institute. Annexure-
27 is the contract, finally entered.

Writ has been filed because authorities have decided to
annul the contract or breach the contract as has been alleged by

the petitioner in the writ application. He also pleads discrimination in the matter.

Such issue cannot be decided on the touchstone of Article 14. Petitioner can invoke common law remedy by filing a suit for appropriate damages or declaration in this regard.

Learned counsel for the State has produced an order passed by a Division Bench in similar kind of circumstances. Reading of the said order dated 1.8.2014 passed in LPA No. 811 of 2013 also indicates circumstances under which such appointments have to be annulled because appointment on regular basis is required to be done.

Even if the submission of the counsel for the petitioner that this Division Bench order has no relevance to the issue raised in this writ application, is accepted on the face value, it does not alter the basic position which has been noted in the earlier part of the order.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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