

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6516 of 2011

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1. Subodh Kumar Singh son of Late Ram Chandra Sharma Librarian International College Ghosaith (Lakhisarai), resident of Village- Achuara, P.S.- Barh, District- Patna
 2. Ashok Kumar son of Late Sitaram Singh Head Clerk, International College, Ghosaith (Lakhisarai), resident of Village- Dharseni, P.S.- Barbigaha, District- Sheikhpura
 3. Siyaram Singh son of Late Singheshwar Singh Office Assistant, International College, Ghosaith, resident of Village- Naromurar, P.S.- Warsaliganj, District- Nawada
 4. Parmanand Singh son of Late Ramdash Singh Office Assistant, International College, Ghosaith, resident of Village- Mustafapur, P.S.- Suryagarha, District- Lakhisarai
 5. Ramautar Singh son of late Jagdambi Singh Night Guard, International College, Ghosaith, resident of Village- Losighani, P.S.- Piri Bazar, District- Lakhisarai
 6. Umesh Prasad Singh son of Late Bachcha Singh (Peon), International College Ghosaith, resident of Village- Mananda, P.S.- Bibhutipur, District- Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary Human Resources Development Department, Patna
2. The Director Higher Education, H.R.D. Department, Patna
3. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur
4. The Registrar, T.M. Bhagalpur University, Bhagalpur
5. The Principal International College Ghosaith, P.S.- Piri Bazar, District- Lakhisarai
6. The Secretary International College, Ghosaith, P.S.- Piri Bazar, District- Lakhisarai

.... Respondent/s

with

Civil Writ Jurisdiction Case No.8448 of 2011

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Gopal Krishna Son Of Late Shilendra Singh Resident Of Village-Ghosaith Ps-Piri Bazar District-Lakhisari.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Human Resources Department Govt.Of Bihar, Patna.
2. The Director Higher Education Human Resources Department Govt.Of Bihar New Secretariat, Patna.
3. The Vice Chancellor Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Registrar Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Principal, International College Ghosaith Ps-Piri Bazar District- Lakhisarai.

6. The Secretary, International College Ghosaith P.S. Piri Bazar, district lakhisari

.... Respondent/s

Appearance :

(In CWJC No.6516 of 2011)

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh

For the Respondent/s : Sri Rajendra Kumar Giri

(In CWJC No.8448 of 2011)

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh

For the Respondent/s : Sri Rajendra Kumar Giri

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 16-12-2015

In both the cases almost similar prayer has been made and as such, both the petitions were taken up together and are being disposed of by this common order.

Heard Dr. Anjani Prasad Singh, learned counsel for the petitioners, learned State Counsel as well as Sri Rajendra Kumar Giri, learned counsel who has appeared on behalf of the Tilka Manjhi Bhagalpur University.

Petitioners claiming to be non -teaching staff of one International College, Ghosaith Piri Bazar, district- Lakhisarai have approached this court invoking its writ jurisdiction to direct the respondents to pay salary to them out of the grant given by the Government of Bihar. It is not disputed that the college in question is totally managed by a private managing committee.

Learned counsel for the petitioners submits that in almost identical situation earlier writ petitions were entertained,

of –course, no positive directions were issued for payment.

In the 1st case a counter affidavit has been filed on behalf of the respondent no. 6 and a preliminary objection has been raised in the counter affidavit that since the college in question is totally managed by a private managing committee not being State, the writ petition may not be entertained.

The court is also of the opinion that in such a situation particularly in a case where respondent is not State or its instrumentality, writ may not be issued.

Accordingly the court is not inclined to interfere with the matter. Both the writ petitions stand disposed of with an indication that if the petitioners feel aggrieved by the action of the private respondent, they would be at liberty to avail appropriate remedy.

It was submitted by learned counsel for the petitioners that regarding the claim in the present writ petitions, petitioners have also filed representation before the Chancellor.

It goes without saying that if the Chancellor considers the claim of the petitioners as genuine, he may pass appropriate order in accordance with law.

(Rakesh Kumar, J)

Praful/-

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