

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11853 of 2015

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1.Amar Kr Das @ Amar Das , s/o Shri Hari Kishun Das, Vill+P.O. Shivpur, Loungaya, P.S. Haweli Kharagpur, District Munger.

2.Binod Kr Das, s/o Late Narayan Das, vill+P.O. Badhauna, via Haweli Khargpur, P.s. Haweli Kharagpur, District Munger.

3.The Raj Kumar Manjhi, s/o Late Kishun Manjhi, Mohalla Govadda Haweli(Khargpur), P.s. Haweli Kharagpur, District Munger.

4.Haleshwar Manjhi s/o Shri Butto Manjhi, vill+P.O. Gobadda Haweli (Kharagpur), P.s. Haweli Kharagpur, District Munger.

.... Petitioner/s

Versus

1.The State of Bihar.

2.The Distt Magistrate, Munger.

3.The District Education officer, Munger.

4.The show called Director, Bihar Dalit Vikas Samiti, Administrative Office, Bailey Road, Rukanpura, Patna-14.

5.The Principal, Dr. Josh Kananaikil Middle School, Govadda (Haweli), Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Pd. Singh, Adv

For the Respondent/s : Mr. Anil Kumar Sinha- GA9

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 04-08-2015 Heard learned counsel for the parties as with regard to the following relief prayed in this writ application:-

(i) to direct the respondent No. 2 & 3 to disposed off the representation dt. 01.06.2015 which has been submitted by the petitioners jointly in the office of the respondent No.-2 & 3 by registered post and is still pending for disposal.

(ii) to quash letter dt. 15-05-2015 by which the service of these petitioners have been dismissed by the respondent No. 4.”

2. Having regard to the fact that the petitioners are employees of Private School and that though such Private School may have been receiving grant from the

Government but then that alone will not make the petitioners either Government Servant or even employees of an institution which can be held to be a 'State' within the meaning of Article 12 of the Constitution of India. It has to be essentially held that this writ application for the aforesaid relief prayed for is not maintainable. This aspect has been already decided by a Division Bench of this Court in the case of **Santosh Kumar vs the State of Bihar & Ors** reported in **2013(1) PLJR 269**.

3. That being so, this writ application is ill advised and in fact wholly misconceived.

4. It is, accordingly, dismissed.

5. Nothing said in this order however will come in the way of the petitioners in moving before the concerned District Tribunal which now has been created and vested with the power as with regard to looking into the service conditions of the employees of private aided schools.

(Mihir Kumar Jha, J)

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