

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1856 of 2015

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Awalendra Kumar Thakur son of Shri Bhagwat Thakur, at present working as Associate Professor in Physics, I.I.T, Patna on lien from I.I.T, Kharagpur.

.... Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Human Resources, Department of Higher Education, New Delhi.
2. The Director, I.I.T, Kharagpur PIN-721302.
3. Professor and Head, Department of Physic and Metrology, Kharagpur. PIN-721302
4. Registrar, I.I.T Kharagpur. PIN-721302
5. Director, I.I.T, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagannath Singh
For the Respondent/s : Mr. S D Sanjay, Addl. Solicitor General
Mr. Sujeet Kumar Sinha, CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-07-2016

The crux of the challenge in the present writ application is Annexure-18 which is dated 28th August, 2013. This is the decision of I.I.T., Kharagpur to not only annul the decision for grant of lien to the petitioner but also treat his continuance at IIT, Kharagpur as unacceptable and his non-return to the institute within the time indicated in the order of lien to be a case of voluntary resignation. The date indicated in Annexure-18 is 1st January, 2013.

The preliminary objection raised by the Additional Solicitor General of India, representing the respondents that Annexure-18 would be required to be challenged before a High Court having competent jurisdiction where cause of action has arisen, seems to be correct. Mere presence of the petitioner by virtue of his fresh appointment now under IIT, Patna and his arrival on lien at IIT, Patna cannot make the decision of IIT, Kharagpur amenable to judicial scrutiny at Patna

High Court. Cause of action did arise at Kharagpur and, therefore, petitioner can approach the High Court or the forum exercising territorial jurisdiction over the said institute. The Court refrains to express any opinion on any aspect of the matter for obvious reason.

Writ application stands dismissed with above liberty.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	28/07/2016
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