

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10657 of 2013

Prithvi Raj Jha Son Of Raghunandan Jha Resident Of Village - Sardho, P.O. Bishanpur, Jichho, P.S. Sabour, District - Banka

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Of The Social Welfare Department Of Government Of Bihar, Patna
2. The Principal Secretary Of The Social Welfare Department Government Of Bihar, Patna
3. The Managing Director, Mahila Development Nigam, Bihar, Patna
4. Priyोजना Director, Mahila Development Nigam, Bihar, Patna
5. The District Magistrate Banka, District Banka
6. The Sub - Divisional Magistrate Banka, District Banka
7. The District Programme Officer (ICDS), Banka, District - Banka

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
Mr. Dharam Veer, Adv.

For the Respondent/s : Mr. Amit Bhushan, AC to GP-17

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-08-2016

Heard learned counsel for the petitioner and counsel for the State.

The petitioner is challenging the order contained in Memo No. 347 dated 21.3.2013, whereby and whereunder, the appointment of Subhashini Kumari has been cancelled as well as he has also challenged Memo No. 372 of 6.4.2013 by which contract for services with Lok Seva Sangh has been dispensed with on the ground that the petitioner has appointed his wife Subhashini Kumari as a Chairman of the Mahila Helpline.

Lok Seva Sangh is a registered society under the Society Registration Act and it does not come under the purview of Article 12 of

the Constitution of India. There was an agreement between the Lok Seva Sangh and the Government for running Helpline for the women. On account of appointment of Subhashini Kumari, the Collector has taken action by terminating the services of Subhashini Kumar as well as snapped the relationship of master and agent. As the agreement between the Government and Lok Seva Sangh is purely a commercial agreement so much so the present writ application is not maintainable on the ground that the petition has been filed by Prithvi Raj Jha, who is one of the Secretary of Lok Seva Sangh not the registered society. As this is the commercial dispute and there is nothing on record to show that there was any proceeding which has authorized the petitioner to file a writ application, in that view of the matter, this writ petition is not maintainable and is, accordingly, dismissed.

After aforesaid part of the order was dictated, learned counsel for the petitioner sought permission of this Court to withdraw this application with a liberty to approach appropriate forum.

This application is, accordingly, dismissed as withdrawn with the aforementioned liberty.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.8.2016
Transmission Date	NA