

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.52 of 2016

Sri Krishna Singh, Son of Late Balkeshwar Singh, Resident of Village + P.O. - Taradh, P.S. - Nokha, District - Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Human Resources, Govt. of Bihar, Patna.
2. The Director Higher, Education, Department of Human Resources, Patna.
3. The Presiding Officer, District Appellate Tribunal, Rohtas at Sasaram.

..... Respondents 1st Set.

4. The Indu Tapeswar Singh Mahila College, Bikramganj, Rohtas through its Secretary, Dr. Ajay Kumar Singh, Son of Late Tapeswar Singh, Indu Tapeswar Singh Mahila College, Bikramganj (Rohtas) residing at Asni Bhawan, East Boring Road, Patna.
5. Dr. Madhuri Singh, Wife of Sri Mithilesh Kumar Singh, D/o Late Tapeswar Singh, Indu Tapeswar Singh Mahila College, Bikramganj (Rohtas) residing at Mohalla Sheopuri Behind A.N. College, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh
Mr. Upadhyay Saurabh Kumar
For the State : Mr. Ravi Bharadwaj, AC to GA-13

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 08-08-2016

Heard the parties.

The grievance of the petitioner is that although he was appointed by the governing body of the affiliated college in question as Laboratory Assistant in the year 1998 but no sooner did the college obtain grant in aid from the State Government that the services of the petitioner has been dispensed with, though no formal order of termination has been passed.

The petitioner has earlier approached this Court in CWJC No.17193 of 2010 and a Bench of this Court considering the grievance raised by the petitioner which was directed against the governing body of the affiliated college found the writ petition not maintainable and

accordingly dismissed the writ petition requiring the petitioner to move before the appropriate forum for the redressal of his grievance.

The petitioner approached the District Appellate Authority, Rohtas who in consideration of the fact that there was no formal order of termination, did not find the appeal maintainable and disposed of accordingly. The petitioner has again approached this Court.

A counter affidavit is filed and Mr. Ravi Bharadwaj, learned Assisting Counsel to Government Advocate No.13 with reference to opinion of the Division Bench arising from LPA No.831 of 2011 (Nagendra Sharma vs. the President , Gov. Body, R.P.S. College, Patna) has submitted that the petitioner having faced a dismissal in the earlier attempt has again approached this Court and the writ petition directed against the Management of an affiliated college, is not maintainable as settled by this Court in the backdrop of the opinion of the Apex Court.

Having regard to the opinion of this Court present at Annexure-6 to the writ petition and Annexure-A to the counter affidavit, no cause for indulgence is made out. In the circumstances discussed and since the petitioner has already granted liberty to seek his remedy before the appropriate forum for redressal of his grievance, no further order needs to be passed.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

deepika/-

U			
---	--	--	--