

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2075 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 533 of 2015

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Mahadeo Singh College, Kalighat Sarai, Bhagalpur, through its Secretary, namely
Dr. Shailesh Prasad Singh, Son of Late Jaideo Prasad Singh, R/o Siyaram Nagar,
Bhikhanpur, P.S.- Isakchak, Town and District- Bhagalpur.

.... Appellant

Versus

1. The Union of India through the Secretary, Ministry of Labour & Employment,
Government of India, New Delhi.
2. The Employees Provident Fund Organization through the Central Provident
Fund Commissioner, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New
Delhi- 110066.
3. The Regional Provident Fund Commissioner, Sub Regional Office, 64 S.K.
Tarafdar Road, Adampur Chowk, Bhagalpur.
4. The Assistant Provident Fund Commissioner, Employees Provident Fund
Organization, Sub Regional Office, 64 S.K. Tarafdar Road, Adampur Chowk,
Bhagalpur.
5. The Enforcement Officer, Employees Provident Fund Organization, Sub
Regional Office, 64 S.K. Tarafdar Road, Adampur Chowk, Bhagalpur.

.....Respondents 1st Set

6. The State of Bihar through the Principal Secretary, Department of Education,
Government of Bihar, Patna.
7. The Chancellor of Universities of Bihar, Raj Bhawan, Patna.
8. Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar.

.....Respondents 2nd Set

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Appearance :

For the Appellant	:	Mr. Chitranjan Sinha, Sr. Advocate with Mr. Manish Kumar, Advocate
For the EPFO	:	Mr. Prashant Sinha, Advocate
For the Intervener 1 st Set	:	Mr. Bindhyachal Singh with Mr. Parijat Saurav, Advocates
For the Intervener 2 nd Set	:	Mr. Rajesh Ranjan, Advocate
For the State	:	Mr. Sazid Salim Khan, SC 25
For the University	:	Ms. Malika Majundar, Advocate

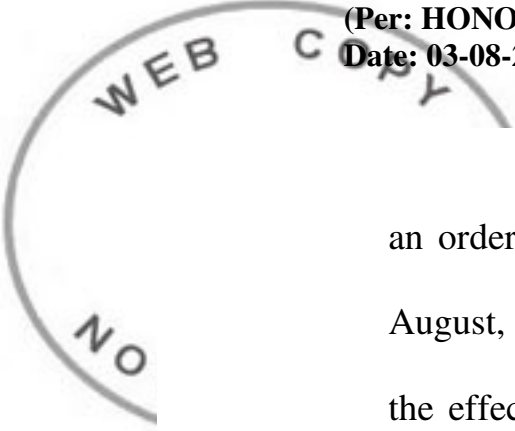
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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 03-08-2016



The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 26th August, 2015 whereby the writ application was dismissed in view of the effective alternative statutory remedy available to the appellant against an order dated 09.12.2014 passed by the Assistant Provident Fund Commissioner, Bhagalpur under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

Once there is a statutory alternative remedy is available, then the appellant is expected to avail such remedy and not invoke the writ jurisdiction of this Court. The argument of learned counsel for the appellant is that when in December, 2014, the writ petition was filed, the post of the appellate authority was vacant and, therefore, the writ application was filed.

We do not find that such reason is a good ground to bye-pass the statutory remedy. Even if the post of the appellate authority was vacant, the appeal could be filed and for interim protection if any, the appellant could approach this Court but the act of not filing an appeal within the period prescribed is at the peril of the appellant alone.

We do not find any error in the order passed by the learned Tribunal which may warrant interference in the present Letters Patent Appeal.

The Letters Patent Appeal is accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Anjani

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A