

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6178 of 2013

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Nalini Ranjan Jha S/o Late Chitranjan Jha R/o Mohalla- Navneet Nagar, Ward No. 24, Katihar, Police Station- Katihar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Hon'ble Chancellor Governor's Secretariat, Patna through its Deputy Secretary
3. B.N. Mandal University, Madhepura through its Vice Chancellor
4. The Registrar, B.N. Mandal University, Madhepura
5. The President, the Governing Body, Suryadeo Law College, Katihar
6. The Secretary, the Governing Body, Suryadeo Law College, Katihar
7. The Professor-in-Charge, Suryadeo Law College, Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the University : M/s Raju Giri and Arbind Kumar, Adv.
For Res. Nos. 5 to 7 : Mr. Shailendra Kumar Singh
For the State : M/s Amaresh Kumar and S.K. Ranjan, AC to SC 15

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-02-2016

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

The petitioner is challenging the action of the University whereby and whereunder service of the petitioner has been dismissed.

It is an undisputed fact that the College is a private College, has received the affiliation from B.N. Mandal University, Madhepura.

Against the order of dismissal, the petitioner has

approached this Court in C.W.J.C. No. 15429 of 2010 and the same was disposed of, vide order dated 02/05/2011 where this Court has directed in the following terms:-

“The writ application is disposed of with a direction upon the managing committee including the President of the Governing Body of Suryadeo Law College, Katihar to ensure that meeting of the Governing Body is held. The direction of the University is carried out and a decision taken and communicated both to the University as well as the petitioner within a period of two months from the date of production of a copy of this order.”

When the order was not complied with, the petitioner approached this Court in M.J.C. No. 5050 of 2011 and the Court, vide order dated 28/03/2012, rejected the contempt application and advised the petitioner to invoke jurisdiction of a civil court of competent jurisdiction for appropriate declaration or order in his favour. By that time, the College itself had taken decision, refused to reinstate him, vide order dated 20.12.2011. Thereafter, the petitioner approached this Court in Civil Review No. 228 of 2012 seeking the review of the order passed in M.J.C. No. 5050 of 2011, but the Court, vide order dated 03/10/2012, refused to entertain the review application.

In such view of the matter, this Court is not inclined to reopen the matter again and the order that has been passed by the Managing Committee of the College, can only be gone into in a properly constituted civil proceeding.

Accordingly, this Court does not find any merit in the present case. However, liberty is given to the petitioner, if so advised, may approach the civil court of competent jurisdiction in connection with his grievance.

With the above observation/direction, this petition is dismissed.

(Shivaji Pandey, J)

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