

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5158 of 2011

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Arun Kumar S/O Late Basudeo Prasad Resident Of Village Ahiyapur
Mushhari, P.O. Gopalbad, P.S. Sarmaira, District Nalanda.

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Department Of Human Resources Development, Government of Bihar, Patna.
2. The Director, (Higher Education), Government of Bihar, Patna.
3. The Tilka Manjhi Bhagalpur University, Bhagalpur through Its Registrar.
4. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
6. The Ad-Hoc Management Committee of Bansarsilal Saraf Commerce College, Naugachia, District Bhagalpur through Its Secretary.
7. The Chairman of Ad-hoc Committee, Banarsilal Saraf Commerce College, Naugachia, District Bhagalpur.
8. The Incharge Principal, Banarsilal Saraf Commerce College, Naugachia, District Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav

For the Respondent/s : AC to Advocate General

Mr. Rajendra Kr. Giri

Mr. Abhinav Srivastava

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8. 29-03-2016 Heard Sri Ashok Kumar Yadav, learned counsel for the petitioner, learned A.C. to Advocate General, Sri Rajendra Kumar Giri, learned counsel for the respondent/Tilka Manjhi Bhagalpur University as well as Sri Abhinav Srivastava, learned counsel, who has appeared on behalf of respondent no. 6 to 8.

The sole petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the respondents, particularly; respondent no. 6 to 8 to confirm his appointment on the sanctioned post of Typist and pay

him regular salary.

A plea has been taken that the petitioner was working since March, 1986 after duly appointed by the private governing body of the concerned college.

In this case, by filing counter affidavit, a preliminary objection has been raised on behalf of respondent no. 6 to 8 regarding the maintainability of the writ petition on two points. Firstly, it was submitted that the college in question is governed by the private governing body and as such, in normal course, the private respondents, being not State, are not amenable to the writ jurisdiction. The second objection has been raised that the petitioner has virtually questioned the appointment of one Basant Prasad Gupta, however; same has not been impleaded, as party-respondent, in the writ petition.

On the first point itself, the Court is of the opinion that the private respondents, against whom direct writ is being sought for, are not State within the meaning of Article 12 of the Constitution of India, the writ petition is not maintainable.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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