

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.742 of 2015

In

Civil Writ Jurisdiction Case No.3435 of 2015

=====

Udit Narayan Roy, Son Of Late Surya Narayan Roy, Resident Of Village & P.O.- Dhamoura Via Baburahi, P.S.-BABURAH, District- Madhubani At Present Posted As Lecturer In The Sant Kabir College, Samastipur

... .. Appellant/s

Versus

1. The State of Bihar represented through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The District Magistrate, Samastipur
3. The Sub-Divisional Officer, Samastipur
4. Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga represented through its Registrar
5. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
6. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
7. The Governing Body of Sant Kabir College, Samastipur represented through its Secretary
8. The Branch Manager, Indian Bank, Sant Kabir College, Samastipur
9. Shri K.K. Singh, Son of at present not known to this Petitioner, however, presently the University Representative to the Governing Body of the Sant Kabir College, Samastipur
10. Shri Braham Dev Yadav Son of Shri Shashi Bhushan Yadav, resident of Village & P.O.- Parora via Gadhpora, District- Begusarai.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Avinath Kumar
For the State	:	Mr. Manoj Kumar Sinha, Advocate
For the University	:	Mr. Ajay Bihari Sinha, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-10-2017

The grievance of the appellant in this appeal is that the appellant's writ petition has been dismissed on account of availability of alternative remedy of approaching the Civil Court.



It is argued by learned counsel that in LPA No. 957 of 2012 decided on 27.7.2012 the question was as to whether a mandamus can be issued to the Managing Committee of a private Institute and the Division Bench held that it cannot be done. However, in this case the grievance of the appellant is that in pursuance to a direction issued by this Court in CWJC No. 22901 of 2012 on 28.01.2013 vide Annexure-7, Lalit Narayan Mithila University issued an advertisement on 28th July, 2013 but nothing was done in furtherance to the advertisement and therefore, direction was issued to the Registrar of the University to take action in furtherance to the advertisement. Accordingly, it is stated that the order passed in LPA No. 957 of 2012 will not be applicable in this case.

We are of the considered view that the aforesaid contention of the appellant is correct. In this case a direction was issued to the University in question in terms of the Act and the Statutes and therefore, it was not necessary to relegate the appellant to take recourse to alternative remedy to appropriate Civil Court and to that extent the learned Writ Court has committed error.

However, as the University is not proceeding to take action in furtherance to the advertisement published on 28th July, 2013 vide Advertisement No. 3/13, Annexure-10 in the writ petition, we



dispose of the matter with a direction to the Registrar of the University in question to look into the grievance of the appellant with regard to the action to be taken on the advertisement and decide his claim in accordance with law within a reasonable period of time.

Needless to emphasize that we have not expressed any opinion on the merit of the matter. It is for the University to pass appropriate order on the claim of the appellant. Action to be taken and communicated to the appellant within a period of two months from the date of receipt/production of a copy of this order.

With the aforesaid the petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10-10-2017
Transmission Date	

