

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1600 of 2014
IN
Civil Writ Jurisdiction Case No. 1339 of 2008**

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Smt. Pallavi Biswas wife of Avinaya, resident of Ajma Kothi , Ashraf Lane, S.P. Verma Road, P.S. Kotwali, P.O. G.P.O., District, patna -800001.

.... Appellant

Versus

1. The State of Bihar
2. Secretary, Art, Culture and Youth Department, Government of Bihar.
3. Director, Bhartiya Nritya Kala Mandir, Fraser Road, Patna.
4. Administrative Officer, Bhartiya Nritya Kala Mandir, Fraser Road, Patna.

.... Respondents

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Appearance :

For the Appellant : Mr. D.V.Pathy, Advocate
Mr. Sadashiv Tiwari, Advocate
Mrs. Manju Jha, Advocate
For the Respondent State: Mr. Ravi Verma, AC to GP-4

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 08-05-2017

Heard counsel for the parties.

The Court refuses to interfere with the decision of the learned single Judge, which is under challenge in the present Letters Patent Appeal. The impugned order is dated 02.09.2013, by virtue of which the learned single Judge dismissed the writ application by holding that the institution, Bhartiya Nritya Kala Mandir, is a registered society and not a limb of the State and, therefore, the decision of the Director to terminate the contract of the appellant by giving a month's notice or by not renewing the contract is a totally



private dispute between the appellant and the registered society in question. The dismissal of the writ or dismissal of the Letters Patent Appeal, however, shall not come in the way of the appellant seeking recourse to common law remedy for breach of contract, if it is established.

The Court is not willing to bite the bait of the appellant's counsel that looking at the trend of the Hon'ble Supreme Court with regard to the various societies as well as organizations being brought within the ambit of writ jurisdiction because they are performing public duty. The latest case being ***Board of Control for Cricket Vs. Cricket Association of Bihar and Others***, reported in **(2016) 8 SCC 535** and ***Dr. Janet Jeyapaul Vs. SRM University & Ors.***, reported in **AIR 2016 SC 73**.

There is a basic fallacy in such a submission of the learned counsel because promotion of art and culture is not the sole prerogative of the State, but also of individual talent, who have the capability to do so. This society was a one man show, set up years ago and was widely known in the cultural field by the name of Mr. Hari Uppal and he was the sole authority, who ran the society with iron hand.

The finding of the learned single Judge with regard to the status of the society is based on the document which is the



Memorandum of Association of the registered society, which is clear enough to indicate its the object and purpose for which it was set up with no element of ‘State’ emerging from the same.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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