

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1569 of 2014
IN
Civil Writ Jurisdiction Case No. 15734 of 2009**

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The State Of Bihar Through The Principal Secretary, Human Resources Department, New Secretariat, Govt. Of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, New Secretary ,Govt. Of Bihar, Patna.

.... Appellant/s

Versus

1. Bihar Hindi Granth Academy, Prem Chand Marg, P.S- Sultanganj, Rajendra Nagar, Patna.
2. The Director, Bihar Hindi Granth Academy, Prem Chand Marg, P.S- Sultanganj, Rajendra Nagar, Patna.
3. Sri Pratap Narayan Son of Late Harendra Deo Narayan R/o The premises of Bihar Hindi Granth Academy, Prem Chand Marg, P.S- Sultanganj, Rajendra Nagar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Kameshwar Kumar, G.P.-17 Mr. S. K. Ranjan, AC to GP-17
For the Respondent/s	:	Mr. Rajnikant Mishra, Advocate
For the Respondent 2-3	:	Mr. Sahntanu Kumar, Advocate

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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: 09-05-2017

Heard learned counsel for the State, i.e., the appellant,
counsel for the private-respondent and counsel appearing on behalf
of Hindi Granth Academy.

If the Hindi Granth Academy has been held to be a kind
of limb of the State, because all funding and allocation of funds for



payment to the employees of the Academy is made by the Department of Education, Government of Bihar, Patna, especially the Principal Secretary, then in absence of any Rule, which has been put in place in relation to the service conditions of these employees, they will be treated as akin to the government servant, except with the provision of pension.

Since the Learned Single Judge has given direction for benefits to the private-respondent, the appeal has been filed.

If the State can not shake off the basic fact that the State has all pervasive control over the affairs of the Academy, in question, then if there is a direction given by the Learned Single Judge to meet the obligation of the employees of the Academy, cannot become a subject matter of challenge in appeal.

The Learned Single Judge’s decision does not suffer from any irrationality or illegality. It is a frivolous appeal on behalf of the State. It is dismissed, accordingly.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	10.05.2017
Transmission Date	

