

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.37 of 2017

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Chandra Mohan Chaudhary, Son of Late Suklambar Chaudhary, Resident of
Village+P.O.- Basaith Chandpur Patti, P.S.- Benipatti, Dist- Madhubani.

.... Petitioner

Versus

1. The State of Bihar.
2. The Commissioner and Secretary, Higher Education, Government of Bihar, Patna.
3. The Joint Secretary, Higher Education, Government of Bihar, Patna.
4. The Deputy Secretary, Higher Education, Government of Bihar, Patna.
5. Kameshwar Singh Darbhanga Sanskrit University, Darbhanga, through its Registrar.
6. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
7. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
8. The Finance Officer, Kameshwar Singh Darbhanga Sanskrit University, Darbhanga.
9. The Governing Body, Deoshankar Haldhar Chaudhary Sanskrit College, Chanpura, P.O.- Dhanukhi Chanpura, District- Madhubani, through its Secretary.
10. The Secretary, Governing Body of Deoshankar Haldhar Chaudhary Sanskrit College, Chanpura, P.O.- Dhanukhi Chanpura, District- Madhubani.
11. The Principal, Deoshankar Haldhar Chaudhary Sanskrit College, Chanpura, PO- Dhanukhi Chanpura, District- Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shanti Pratap, Adv.
Mr. Arvind Kumar Verma, Adv.
For the Respondent/s : Mr. Subhash Chandra Mishra- SC16
For K.S.D.S.University : Mr. Awadhesh Prasad Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 25-01-2017 Heard Mr. Shanti Pratap, learned counsel for the

petitioner, Mr. Subhash Chandra Mishra, SC-16, for the State and

Mr. Awadhesh Prasad Sinha, learned counsel for Kameshwar

Singh Darbhanga Sanskrit University.

The facts are not in dispute. The petitioner is an appointee



by the private Management Committee of the University prior to its affiliation. Even after its affiliation the post on which the petitioner was appointed was not sanctioned by the State Government. On the contrary, the State Government vide letter dated 6.9.2001 directed the University to terminate the service of the petitioner and following which the Governing Body of the College by following procedure has terminated the services of the petitioner. The petitioner came before this Court in C.W.J.C.No. 2256/2002 and the writ petition was disposed of in the following terms:

" This Court would accord leave to the petitioner to withdraw this writ application with a liberty to file an appeal. In the event the Vice-Chancellor of the University will find reasons to interfere with the impugned order of termination of the petitioner, he will also take appropriate decision as with regard to the claim of payment of salary of the petitioner for the period involved in this writ petition.

Needless to emphasize, if the order of termination is upheld even in the appeal the petitioner will have a remedy only before the Civil Court which alone has power to adjudicate on the issues relating to termination of service of an employee by a private Governing Body/ Managing Committee as has been held by Division Bench of this Court in the case of ***Chandra Nath Thakur vs. Bihar Sanskrit Shiksha***



Board & ors., reported in 1999(1) PLJR 529."

The appeal of the petitioner has been dismissed by the Vice Chancellor of the University vide order passed on 7.5.2015 and two years thereafter, the petitioner has chosen to approach this Court. Apart from the fact that the writ petition suffers from vice of gross delay and laches, in view of legal position settled by the Bench in the previous round of proceedings, as referred to above, the writ petition is held to be not maintainable.

Since the liberty is already there in the order of this Court passed in C.W.J.C.No. 2256/2002, the petitioner, if so advised, can take recourse of the same.

The writ petition is, accordingly, disposed of.

(Jyoti Saran, J)

Surendra/-

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