

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4024 of 2010

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1. Ramakant Prasad S/O Late Raghubir Mahto R/O Vill.- Pirauna, P.O. And P.S.- Hassanpur Road, Distt.- Samastipur, Presently Posted As Commercial Instructor, At S.M.R.C.K. College, Samastipur, P.O. + P.S. And Distt.- Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Null Human Resources Development Department, Govt. Of Bihar, Patna
2. The Vice Chancellor L.N. Mithila University, Darbhanga
3. Vinod Kumar Chaudhary, The Secretary Managing Committee, S.M.R.C.K. College, Samastipur, P.O. + P.S. And Distt.- Samastipur
4. Vinay Kumar, The Principal S.M.R.C.K. College, Samastipur, P.O. + P.S. + Distt.- Samastipur
5. Dineshwar Yadav, Predecessor (Ex) Principal S.M.R.C.K. College, Samastipur, P.O. + P.S. + Distt.- Samastipur
6. Umesh Mahto S/O Not Known Posted As Accountant In S.M.R.C.K. College, Samastipur, P.O. + P.S. + Distt.- Samastipur
7. Rahul Kumar S/O Not Known Posted As Sporter, In S.M.R.C.K. College, Samastipur, P.O. + P.S. + Distt.- Samastipur
8. Durgesh Kumar Chaudhary S/O Not Known Posted As Accounts Clerk In S.M.R.C.K. College, Samastipur, P.O. + P.S. + Distt.- Samastipur
9. Daya Ram Yadav S/O Not Known Posted As 'Bhandarpal' In S.M.R.C.K. College, Samastipur, P.O. + P.S. + Distt.- Samastipur
10. Mithilesh Kumar S/O Not Known Posted As P.T. Instructor In S.M.R.C.K. College, Samastipur, P.O. + P.S. + Distt.- Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar-1
Mr. Binod Kr.Pandey I
Mr. Randhir Kumar
Mr. Om Prakash
Mr. Gyanand Roy, Adv.

For the Pvt. Respondent/s : Mr. Durga Nand Jha, Adv.
For Respondent No.4 : Prakash Chandra Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

7 20-06-2018 Heard the learned counsel for the petitioner, counsel
appearing on behalf of the State and as well as learned counsel



appearing on behalf of the private respondent.

The present writ application has been filed by the petitioner for a direction to the respondent to add the name of the petitioner in the list of teachers of Satya Narayan Meharali Ramanand Charan Karpuri (S.M.R.C.K.) College, Samastipur.

Learned counsel for the petitioner submits that the petitioner is regularly working for the last 29 years and it is obligatory on the part of the University to ensure payment to this petitioner as University is State and it has obligation to protect the petitioner against discrimination.

Learned counsel further submits that the obligation of the University is to ensure payment in view of Annexure '5' whereby the State Govt. has released fund to the college based on the performance of the students of the colleges.

On the other hand, respondents submitted that the writ petition is not maintainable as relief prayed for is ultimately against the Managing Committee and Managing Committee is not a State and, therefore, the grievances as to violation of Article 14 and 16 is not maintainable. Learned counsel for the petitioner has placed reliance on the judgment of this Court reported *in 2014(1) PLJR 695, 2008 PLJR SC 97, AIR 1967 SC 1853 and Section 35 of the Bihar State University Act*. The law in this regard is settled



by the Hon'ble Apex Court in the case of *Sirsi Municipal AIR 1973 SC 1473* which was reiterated by the Apex Court in the Court of *Vaishya Degree College reported in AIR 1976 SC 888*. The judgment relied upon by the petitioner is of no help to the petitioner as the ultimate relief prayed for in the present writ application is against the Managing Committee and in view of series of judgment including the judgment of Sirsi Municipality and Vaishya Degree College mentioned hereinabove, the writ petition against the private Managing Committee is not maintainable. It is accordingly dismissed.

However, liberty shall be available to the petitioner to approach before the Civil Court for common law remedy.

(Anil Kumar Upadhyay, J)

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