

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9278 of 2015

Dr. Prem Shankar Srivastva son of late Maheshwari Prasad Srivastva , resident of 18/1 Govt. Quarters , Sukumar Ghosh Road , P.O. Nandan Nagar, Kolkata- 700083, West Bengal and also resident of village - Pokhrera, P.O.- Sonbarsa , Via- Pachrukhi , District- Siwan , Bihar, Pin- 841241.

... .. Petitioner/s

Versus

1. The Principal Secretary , Government of Bihar, Patna.
2. The Principal Secretary, Department of Education , Government of Bihar, Patna.
3. Sri Rahesh Kumar Srivastava, Ex President of V.B. College of Education , Bhagalpur, and Secretary Angika Development Society, Deeksha Puram D.P.S. Bhagalpur, Pin code 813210.
4. Dr Jenny Shabanam wife of Rajesh Kumar Srivastava, President , Management Committee, Vimal Bibhuti College of Education- Cum-Treasurer, Angika Development Society, Dikshapuram , D.P.S. Campus, Sabour, Bhagalpur 813210 (Bihar)
5. Dr. Arunima Chakraborty, Principal , D.P.S. Bhagalpur-cum-Secretary, Management Committee, Vimal Bibhuti College of Education D.P.S. Campus, Dikshapuram , Sabour, District Bhagalpur 813210 (Bihar)
6. Sri Ram Nandan Prasad, Treasurer, Management Committee, Vimal Bibhuti College of Education, D.P.S. Campus, Dikshapuram , Sabour, District Bhagalpur 813210 (Bihar)
7. Capt. Sri Shekhar Dutt, Chairman , Angika Development , Society, 5/7 Sarvapriya Vihar, New Delhi- 110016 Angika Development Society, Deeksha- Puram D.P.S. Campus Sabour , District Bhagalpur, Pin code 813210.
8. Vice Chairman , Angika Development Society, 5/7 Sarvapriya Vihar, New Delhi, Pin 110016 Angika Development Society, Dikshapuram D.P.S. Campus, Dikshapuram , Sabour, District Bhagalpur 813210 (Bihar) null null
9. Chairman , Management Committee, Vimal Bibhuti College of Education D.P.S. Campus, Dikshapuram, Sabour, District Bhagalpur 813210 (Bihar)
10. Vice Chairman , Management Committee, Vimal Bibhuti College of Education D.P.S. Campus, Dikshapuram, Sabour, District Bhagalpur 813210 (Bihar)
11. Prof. (Dr.) N.K. Sinha, Member , Managing Committee, Ex. Dean Faculty of Science, Dept. of Chemistry, Tilka Manjhi Bhagalpur University Bhagalpur , (Bihar)
12. Prof. Mala Sinha, Member , Managing Committee, Vimal Bibhuti College of Education , Department of English , S.M. College, Bhagalpur (Bihar).
13. Prof. (Dr.) R.K. Sinha, University Representative , Vimal Bibhuti College of Education , Dikshapuram Sabour, Bhagalpur Cum Department of English , Tilka Manjhi Bhagalpur University, Bhagalpur (Bihar).
14. Regional Director , Eastern Regional Committee, National Committee, National Council for Teacher Education . Bhubaneswar, Odisha
15. Vice Chancellor , Tilka Manjhi Bhagalpur University, Bhagalpur (Bihar)
16. Registrar , Tilka Manjhi Bhagalpur University Bhagalpur (Bihar)
17. The District Employees Provident Fund Officer Bhagalpur.



... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Ajay Kumar AC to G.P.-4

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-12-2018 This writ petition was listed on different dates, noticing non-appearance counsel for the petitioner, the case was directed to be listed under the 'Heading for dismissal'.

Unfortunately, even after listing under the 'Heading for dismissal' for providing one more opportunity today despite repeated call no one has appeared on behalf of the petitioner. Under the aforesaid circumstances, the Court is constrained to dispose of the writ petition on the basis of the pleading of the writ petition. Petitioner claims arrears of salary from February 2010 to January 2015 and also full salary for February and March 2015 and to pay earned leave, leave encashment.

From perusal of the pleadings, it appears that petitioner was appointed as Principal in a privately managed affiliated college. The dispute as to payment of salary for discharging the responsibility of Principal of affiliated college cannot be entertained in writ petition. This can only be adjudicated by a competent Civil Court. In view of the law laid down by the Apex Court in the case of Sirsi Municipality's case



AIR 1973 (855) and judgment of Apex Court in Vaishya Degree College reported in AIR 1976 SC 888.

In view of the aforesaid judgments of the Apex Court and numerous judgments of this Court on this point, the present writ application is not maintainable. However, dismissal of the writ petition shall not come in the way of the petitioner to approach the competent civil court for his remedy.

With the aforesaid liberty the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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