

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12060 of 2016

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Srimati Shobha Verma, aged about 66 years old, W/o Akhilesh Kumar Verma,
Resident of Mohalla- Parao Pokhar, Lane No.3, P.O.- Ramna, P.S.- Kazi
Mohammadpur, District- Muzaffarpur, Pin Code- 842002.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Higher Education, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Vice-Chancellor, BRA Bihar University, Muzaffarpur.
5. The President-cum-Chairman, Governing Body, Shyamnandan Sahay College,
Muzaffarpur.
6. The Secretary, Governing Body, Shyamnandan Sahay College, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhakar Nath Rai, Advocate
For the B.R.A. Bihar University	:	Mr. Anil Singh, Advocate
For the State	:	Mr. Sanjay Prasad, A.C. to A.A.G. 4
For the Managing Committee	:	Mr. Ugranath Mallik, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-04-2018

Heard learned counsel for the petitioner; State; B.R.A.

Bihar University (hereinafter referred to as the ‘University’) and
respondents no. 5 and 6.

2. The petitioner has moved the Court for the following
reliefs:

*“(i) For issuance of appropriate writ order
or orders or direction commanding the
respondents to grant the benefits of retiral benefits.*

*(ii) For issuance of appropriate writ/order
or orders or directions commanding the
respondents to grant consequential service benefits
as well as payment of due salary for the whole
period of her service w.e.f. 1980, with penal
interest to the petitioner as admissible under law.”*

3. In effect, the relief is against the governing body of a



private college which is affiliated to the University.

4. Learned counsel for the State and University raised a preliminary objection and submitted that the writ is not maintainable against the Governing Body of a private college and further that teachers of such colleges are not entitled to payment of pension. For such contention, they relied upon a decision of this Court in the case of **Sahadeo Mishra vs. Ranchi University** reported as **1989 PLJR 1067**.

5. Learned counsel for the petitioner was not able to meet the objection.

6. The law being settled that the Governing Body of a private college is not amenable to writ jurisdiction as it is not ‘State’ under Article 226 of the Constitution of India, the relief claimed only against such Governing Body and not against the State or the University or any of its instrumentalities, has rendered the writ petition not maintainable.

7. In view thereof, the writ petition stands disposed off.

8. However, the petitioner shall be at liberty to avail his remedy, in accordance with law, before the appropriate forum.

(Ahsanuddin Amanullah, J.)

P. Kumar

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