

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5596 of 2015

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Mrityunjay Kumar Verma son of Late Shyam Sunder Prasad resident of village & P.O.- Basbitti, P.S. & District-Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar Patna.
2. The Secretary, Human Resources and Development Department (Education), Govt. of Bihar, Patna.
3. The Director-cum-Joint Commissioner, Directorate of General Provident Fund, Pant Bhawan, Bihar at Patna.
4. The Director, Primary Education, Govt. of Bihar, Patna.
5. The Special Director (Minority), Govt. of Bihar, Patna.
6. The Regional Deputy Director of Education, Patna.
7. The District Superintendent Of Education, Patna.
8. The District Education Officer, Patna.
9. The Managing Committee through its Secretary namely Mr. Ram Avatar Vatsayan, Girls Middle School, Boring Road, P.S.- Sri Krishnapuri, District- Patna.
10. The Secretary namely Mr. Ram Avatar Vatsayan, The Managing Committee of Girls Middle School, Boring Road, P.S.- Sri Krishnapuri, District- Patna.
11. The Incharge Head Mistress, Girls Middle School, Boring Road, P.S.- Sri Krishnapuri, District- Patna.
12. The Accountant General, Bihar at Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prem Kumar Jha, Advocate
For the State	:	Mr. Kumar Alok, SC 7
For the Respondent No. 9	:	Mr. Abhinav Srivastava, Advocate
For the Accountant General	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 17-02-2018

Heard learned counsel for the petitioner; State;
respondents no. 9 to 11 and the Accountant General.

2. The writ petition has been filed seeking the following



reliefs:

“(i) For issuance of appropriate writ/s, direction/s and order/s in the nature of ‘certiorari’ for setting aside/quashing the impugned memo No.-45 dated 11.01.2013 (Annexure-30) issued under signature of the Director, Primary Education, Government of Bihar, Patna (respondent no.4) whereby and whereunder the order has been passed in a casual manner (even though, there is sufficient material came on the case record from the officer of the education department itself in support of petitioner’s claim) and also in contrary to the order dated 03.11.2010 passed by this Hon’ble Court in CWJC No.-13737 of 2005.

(ii) For issuance of writ in the nature of mandamus or any other appropriate writ for directing/commanding the respondent concerned for making payment of entire retiral-cum-death benefits including Family Pension, Gratuity, Provident Fund, earnleave, etc. as well as arrear of salary including differential amount of salary on the revised pay-scale for the period 1.7.1983 to 31.8.2001 and full salary from 1.9.2001 to 30.1.2004 (the day when petitioner’s wife namely Late Archana Jamaiyar, while working as Head Mistress, died in harness) with statutory/penal interest and cost by way of quashing the impugned termination letter dated 2.4.2002



(Annexure-10) issued under signature of the Secretary of Managing Committee of Girls Middle School, Boring Road, P.S.-Sri Krishnapuri, District-Patna (respondent no. - 10)."

3. Having heard learned counsel for the parties at length, as all reliefs relate to the action/inaction on the part of the respondent no. 9, which is a purely Private Managing Committee and Private Buddhist Minority School, the Court, *prima facie*, was of the opinion that the forum, under Article 226 of the Constitution of India, would not be appropriate, moreso, in the background that there are highly disputed issues of fact and without the same being adjudicated and findings recorded, no relief, as claimed in the present writ petition, can be granted due to which also this Court under its writ jurisdiction is not inclined to proceed.

4. Faced with the situation, learned counsel for the petitioner submitted that he may be permitted to approach the Lokayukta in the matter and non-interference by this Court may not be prejudicial to his cause.

5. In view thereof, the writ petition stands disposed off with liberty aforesaid.

6. It goes without saying that all the issues shall be independently looked into and all parties shall have the right to raise



all points available to them before the forum which the petitioner invokes with the only condition that the same will not be the writ jurisdiction of the High Court under Article 226 of the Constitution of India.

7. The Court would further clarify that it has not expressed any opinion on the merits of the matter.

(Ahsanuddin Amanullah, J)

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