

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12908 of 2019

Crystal Security and Detective Services Pvt. Ltd. through its Managing Director, namely Rajesh Kumar Jha, aged about 39 years male, son of Anil Kant Jha, House No. HLR-24 Indira Housing Board Colony, Thana Chowk, P.S. and District-Purnea

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Principal Secretary Education Department, Government of Bihar, Patna
3. The B.N. Mandal University Laloo Nagar, Madhepura through its Registrar
4. The Vice Chancellor B.N. Mandal University, Laloo Nagar, Madhepura
5. The Registrar B.N. Mandal University, Laloo Nagar, Madhepura

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (Sc13)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-06-2019 The defects are ignored.

Petitioner, in the present case, is seeking a writ of mandamus directing the respondents to pay the salary of Khansama (Cook) as IVth Grade employee at the rate of Rs.6500/- per month for the period June, 2014 to May, 2017 with statutory interest thereon.

It is the case of the petitioner that there is a provision to appoint manpower/cook in the University and the Pro-Vice Chancellor is entitled to get the same facility. Accordingly, the then Pro-Vice Chancellor approved the engagement of Khansama through the petitioner vide letter dated 04.10.2016. It



is stated that the Khansama made available by the petitioner worked in the official resident of the then Pro-Vice Chancellor from June, 2014 to May, 2017 for which the petitioner had continuously submitted his bills for payment of salary to the Registrar of the respondent University. It is stated that the petitioner had provided one driver also whose salary has been paid, but the salary of Khansama has not been paid.

Learned counsel for the State is present.

In the given facts and circumstances of the case, this Court sitting in its writ jurisdiction under Article 226 of the Constitution of India is not an appropriate forum to record a finding as to whether the petitioner had provided one Khansama and whether any such Khansama had been working in the office of the then Pro-Vice Chancellor of the respondent University between June, 2014 to May, 2017. The writ application as framed is thus not fit to be allowed.

The petitioner, if so advised, may seek his remedy before an appropriate court/forum. The Court would, however, observe that in case the petitioner files any representation or a representation as shown in Annexure-4 to the writ application is pending with the University, the Vice-Chancellor (respondent no.4) shall look into the same and find out the truth. If



ultimately it is found that the petitioner has provided services as claimed and is entitled for the same, then the respondent no.4 shall pass an appropriate order within a period of three months from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

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