

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21236 of 2018

=====

Ramanand Ray S/o Late Jagannath Ray R/o Village-- Rudauli, P.S.-
Bachhware, District- Begusarai. at present Lecturer in physics, Arati Jagdish
Mahila College, Shahpur Patoree, Distt. Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary Department of Education,
Govt. of Bihar, Patna
2. The Director, Secondary Education, Department of Education , Government
of Bihar, Patna
3. The Secretary, Bihar School Examination Board Senior Secondary, Budh
Marg, Patna
4. The District Magistrate, Samastipur
5. The District Education Officer, Samastipur
6. The District Programme Officer, Establishment Samastipur
7. The Sub Divisional Magistrate, Patoree cum coordinate or Arati, Jagdish
Mahila College, Shahpur, Patoree, Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Jha, Adv.
For the Respondent/s : Smt. Binita Singh -SC-28

=====

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 18-10-2022

1. Heard the parties.

2. The petitioner assails the order dated 04.09.2018,
whereby the claim of the petitioner for releasing his salary from
the grant received in the college, has been rejected on the basis
that the petitioner was appointed against the second post in the
college, whereas sanction for grant is only against one post of
Assistant Professor in subject of Physics, as there is another
person appointed on the post namely Ajay Kumar. The District

Education Officer has held that the petitioner to be not entitled for salary under the grant in aid but his salary is to be paid from the reserves of the college. In the circumstances, as faced such a situation apart from challenging the aforesaid order dated 04.09.2018, the petitioner also prays to take action against Ajay Kumar, who is alleged to be continuously absent from duty and prays that the report (Annexure-3) should be acted upon as against Ajay Kumar.

I have carefully considered the submissions and I find that the petitioner was admittedly appointed on a second post of Assistant Professor in subject of Physics, while only one post is duly sanctioned for grant in aid. The said post is manned by one Ajay Kumar. In the circumstances, the petitioner also prays to take action against Ajay Kumar and to remove him from the post as he is stated to be consistently absent from duty.

In the opinion of this Court, no orders can be passed as against Ajay Kumar since he is not party to the petition. Administrative action against any particular person/employee is in the exclusive domain of the managing committee of the concerned private college.

Keeping in view thereto, this court refrains from entertaining this writ petition. The writ petition is wholly

without basis and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

amit/-
Item no.47

U			
---	--	--	--