

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18380 of 2021

Pranay Kumar Son of Saheb Singh Resident of 06, Chandauli, Samastipur,
P.S. Waini O.P. Pusa, P.O. Chandauli, District- Samastipur, Pin - 848115.

... .. Petitioner/s

Versus

1. The Lalit Narayan Mithila University through its Vice Chancellor, Kameshwar Nagar, Darbhanga.
2. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. The Principal, Women's College, Samastipur (a constituent unit of Lalit Narayan Mithila University, Kameshywr Nagar,
4. The College Development Committee through its members, Women's College, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.
For the L.N.M.U. : Mr. Nadim Seraj, Adv.

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

ORAL ORDER

- 2 08-09-2022 1. The petitioner has alleged that he has been orally removed from the service without giving any notice.
2. Learned counsel has taken this court to a decision taken by the Women's College, Samastipur on 17.08.2021 that all the daily wages employees shall not come on duty, as the Principal is unable to pay their salary. Learned counsel submits that the University had already approved the payments to be made and instead of making the payment, the petitioner's service was wrongly dispensed with without passing any orders. Learned counsel submits that the petitioner has worked for 39



months.

3. I have considered the submissions.

4. Orally removal from service comes within the definition of retrenchment and the same has to be in compliance of the provisions contained under the I.D. Act, 1947.

6. Keeping in view the provisions of Section 10 (A) of the I.D. Act, 1947, the petitioner is granted liberty to raise a dispute before the concerned Labour Court with regard to his wrongful termination.

7. The petitioner would be free to take up all submissions including violation of Section 25 (F) (G) & (H) as the case may be. If such a complaint is made against the alleged wrongful termination, the same shall be directly entertained and adjudicated by the concerned Labour Court, preferably within a period of two years.

8. The writ petition is disposed of with the aforesaid liberty.

(Sanjeev Prakash Sharma, J)

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Item No. 43

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