

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1567 of 2018

In
Civil Writ Jurisdiction Case No.20011 of 2014

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Dr. Chandragupta Son of Ramashish Singh, resident of Village- Andauli, P.S.-
Satsohra, District- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Higher Education, Patna.
4. Magadh University, Bodh Gaya , through its Registrar.
5. The Vice-Chancellor, Magadh University, Bodh Gaya, District- Gaya.
6. The Registrar, Magadh University, Bodh Gaya, District-Gaya. null null

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sunil Kumar Singh, Advocate
For the Respondent/s	:	Mr. Syed Firoz Raza, Advocate
For Resps. 4 to 6	:	Mr. Pratik Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 28-07-2022

Heard learned counsels for the parties.

2. In the instant appeal, appellant has questioned the validity of the learned Single Judge's order dated 12.09.2018 passed in C.W.J.C. No. 20011 of 2014. Such a petition was filed by the appellant and one Mr. Pramod Prasad Singh. During pendency of C.W.J.C. No. 20011 of 2014 learned Single Judge has extended re-



lief to second petitioner i.e. Mr. Pramod Prasad Singh and relief has been rejected in favour of appellant. Thus, the present appeal.

3. The appellant is an employee of Sant Sandhya Das Mahavidyalaya, Barh, Patna. The grievance of the appellant is that he has not been paid salary from time to time from the date of his initial appointment. The appellant has not arrayed his employer – Sant Sandhya Das Mahavidyalaya, Barh, Patna. On the other hand, State and the University have been arrayed as parties. Even though State is stated to be funding the College by means of grant-in-aid, still the employer is a College is necessary party and college has to appraise service particulars of the appellant.

4. Due to non-joinder of necessary and proper party, writ petition should have been dismissed at threshold. In the appeal question of impleading employer College is not permitted for the reasons that College would be denied one opportunity of defending their case in writ petition. In the light of these facts and circumstances, on preliminary issue that the appellant has not arrayed employer College as a necessary and proper party and If the employer College was arrayed as a party in writ petition, in that event, necessary service particulars of the appellant would have been made known to the State and also to ascertain whether State is giving grant in aid to the employer College or not?



5. In the light of these facts and circumstances, present appeal stands dismissed. Reserving liberty to the appellant to file a fresh petition while arraying employer – College as a necessary and proper party. Any observation of the learned Single Judge as against Appellant would not be a hurdle in filing fresh writ petition.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
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