

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.489 of 2019**

**In**

**Civil Writ Jurisdiction Case No.10186 of 2016**

Hitchandra Jha, President, N. & P. Karmchari Union, Patna, S/o Late Vishwambhar Jha, resident of 3/36, Weaker Section, Lohia Nagar, P.S. - Kankarbagh, District - Patna

... .. Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary Department of Labour, Patna, Bihar.
3. The Deputy Labour Secretary Department of Labour, Patna, Bihar.
4. Patliputra Builders Pvt. Ltd. Maharaja Kameshwar Complex, Frazer Road, Patna through its Director.
5. The Newspapers and Publications Limited Frazer Road, Patna through its Director-in-Charge, Anil Nandan Singh S/o Late Tuleshwar Singh, resident of Mohalla- Subhankarpur Deorhi, P.s.- L.N.M.U., Darbhanga, Distt.- Darbhanga

... .. Respondents

**Appearance :**

For the Appellant/s : Mr. Bimal Kumar Jha, Advocate  
For the Respondent/s : Mr. Rohitabh Das, AC to AAG-13

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE HARISH KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 09-05-2024**

The question that comes for consideration in the appeal is, as to whether the government is obliged to issue a certificate under Section 17(1) of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (hereinafter referred to as “the Act”) merely on the application of a working journalist.

2. Learned counsel for the petitioner submits that after



hearing, the matter was referred, which was incompetent.

3. The learned Single Judge has specifically relied on Section 17(2) of the Act, to hold that if any question arises as to the amount due under the Act to a newspaper employee from his employer, the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under the Industrial Dispute Act, 1947 or any corresponding law and the Labour Court would answer the question referred for adjudication.

4. Under Section 17(1) of the Act, the certificate would be issued only when the State Government or its authorized officer is satisfied about the amount which the petitioner is entitled to. The lack of satisfaction recorded by the authority cannot be interfered with under the extraordinary power available to us under Article 226 of the Constitution of India.

5. Obviously, the authority under Section 17 of the Act, held that there was a dispute which had to be referred for adjudication, which was done.

6. The learned Government Advocate, submits that during the pendency of the writ petition, awards dated 19.09.2018 and 12.10.2018, respectively have been passed



(Annexure-6 series), but the same has not been challenged as of now.

7. We find absolutely no reason to entertain the appeal. Accordingly, it is dismissed; leaving the petitioner to avail his remedies if it is available as of now.

**(K. Vinod Chandran, CJ)**

**( Harish Kumar, J)**

rohit/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 10-05-2024 |
| Transmission Date |            |

