

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8528 of 2020

Tipu Sultan (male) aged about 30 years, S/o Tanweerul Hoda, permanent resident of Rupohli, PO and PS Parbatta, District Khagaria (BIHAR), Pin-851216, at present posted as Assistant Professor, SETI, Siwan, Mobile 7004350766, email- tipu011sultan@gmail.com.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Science and Technology, Govt. of Bihar, Patna. [prsec_sctech@bihar.gov.in.]
2. Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna through its Registrar. [registrar@akubihar.ac.in]
3. All India Council for Technical Education, Nelson Mandela Marg, Vasant Kunj, New Delhi- 110070 through its Charman. [chairman@aicte-india.org]
4. AICTE- Northern Regional Office, Govt. Polytechnic Campus, Vikas Nagar, Kanpur- 208024 through its Regional Officer. [nro@aicte-india.org]
5. Islamia Educational & Social Welfare Trust, Siwan through its Secretary, Shri Ansar Amin Nomani, S/o Shri Late Md. Aminullah Nomani, Age 67 years, R/o Mohalla Naya Quila, Navalpur, PO and PS- Siwan, District-Siwan, Bihar- 841226. [seti.siwan.in@gmail.com]
6. Siwan Engineering and Technical Institute, Islamia Nagar, Siwan, through its Principal. [seti.siwan.in@gmail.com]
7. The Principal, Siwan Engineering and Technical Institute, Islamia Nagar, Islamia Nagar, Siwan. [principal_seti@rediffmail.com.]

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Aslam Ansari, Advocate
For the State : Mr. Mr. Hitesh Suman, AC to SC 13

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-11-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Md. Aslam Ansari, learned counsel for the petitioner and Mr. Hitesh Suman, learned AC to SC 13



for the State.

3. The petitioner has moved the Court for the following reliefs:

- “(A) A writ in the nature of Certiorari for quashing the order vide Resolution No. 02 dated 01.03.2020 whereby and where under Respondent No.6 illegally dismissed the Petitioner from his service without any valid reason.*
- (B) A writ in the nature of Certiorari for quashing the order vide Letter No.266/IE&SWT/2020 dated 02.03.2020 whereby and where under Respondent No. 6 illegally deducted one day salary (dated 12-02-2020) of the Petitioner without any valid reason.*
- (C) Any other reliefs to which the petitioner is entitled on the facts and circumstances of this case.”*

4. At the outset, learned counsel for the State raised a preliminary objection that the writ is not maintainable as it is against the decision of a private trust which runs the college.

5. Learned counsel for the petitioner could not meet the objection of learned counsel for the State and only submitted that there has been violation of principles of natural justice and due procedure of law has not been followed before passing of the order of dismissal.

6. Having considered the matter, the Court finds substance in the objection of learned State counsel. Against any grievance of a decision of a private trust, the forum is the Civil



Court of competent jurisdiction and not the writ Court under its extraordinary jurisdiction under Article 226 of the Constitution of India. Once the Court finds that the petitioner has to go before another forum, there is no occasion to go into the merits.

7. For the reasons aforesaid, the application stands disposed off with liberty to the petitioner to move before the appropriate forum, in accordance with law.

8. It is clarified that the Court has not expressed any opinion with regard to the merits of the matter and it shall be gone into by the competent forum before which the matter is brought for adjudication, in accordance with law, which shall decide the same expeditiously.

(Ahsanuddin Amanullah, J)

J. Alam/-

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