

**(2020) 11 PAT CK 0081**

**Patna High Court**

**Case No:** Civil Writ Jurisdiction Case No. 8528 Of 2020

Tipu Sultan

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

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**Date of Decision:** Nov. 27, 2020

**Acts Referred:**

- Constitution Of India, 1950 - Article 226

**Hon'ble Judges:** Ahsanuddin Amanullah, J

**Bench:** Single Bench

**Advocate:** Md. Aslam Ansari, Mr. Hitesh Suman

**Final Decision:** Disposed Of

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### **Judgement**

1. 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:

â€œ(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.â€

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.