

(2001) 01 JH CK 0007
In the Jharkhand High Court
Case No : CWJC No. 2675 of 1999 (R)

G. and H. High School and Another	Vs	APPELLANT
State of Bihar and Another		RESPONDENT

Date of Decision : 30-01-2001

Acts Referred:

Bihar Shops and Establishments Act, 1953 — Section 26, 26(2)

Citation : (2001) 01 JH CK 0007

Hon'ble Judges : S.J. Mukhopadhyaya, J

Bench : Single Bench

Final Decision : Allowed

Judgement

S.J. Mukhopadhyaya, J.—Heard the parties.

2. This writ application was preferred by the petitioner against the order dated 6th February, 1997 passed by the learned Presiding Officer, Labour Court, Ranchi, in B.S. case No. 1 of 1993.

3. It appears that the second respondent filed a complaint petition u/s 26 of the Bihar Shops and Establishment Act for his re-instatement with money compensation. It was decided in his favour by the impugned order dated 6th February, 1997.

4. The petitioner raised sole question relating to maintainability of such application u/s 26 of the said Act, as according to it, the school do not fall within the definition of "Establishment".

5. Counsel for the petitioner today placed reliance on recent, decision in *Ruth Soren v. Managing Committee, East ISSDA and others*, reported in 2001 (1) Jharkhand Civil Reports 1 (SC) : 2001 (1) Jharkhand Cases Reporter 1 (SC). In the said case the Supreme Court held that Educational institution do not fall under the definition of the Establishment.

6. Counsel appearing on behalf of the 2nd respondent accepts that the case of

the petitioner is covered by the Supreme Court decision in Ruth Soren (supra).

7. In the circumstances, the petition u/s 26 of the said Act being not maintainable against the petitioner's institution, the order dated 6th February, 1997 passed B.S. case No. 1093 is set aside.

8. However, this order will not stand in the way of the 2nd respondent to move before the appropriate forum/ court of competent jurisdiction.

This writ application stands allowed with the aforesaid observations/ directions.

9. Writ application allowed.