

(2006) 01 JH CK 0013

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5058 of 2005

Sita Ram Yadav

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 19-01-2006

Acts Referred:

Citation : (2006) 2 JCR 91

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Advocate : Afaque Ahmad, for the Appellant; JC to AG, for the Respondent

Final Decision : Dismissed

Judgement

R.K. Merathia, J.—Heard the parties.

2. The petitioner has prayed for quashing the order dated 9.3.2005 passed in BSE Case No. 11 of 1993 by Presiding Officer, Labour Court, Jamshedpur holding that Mahatma Gandhi Memorial Medical College (MGM), Jamshedpur, is not an establishment within the meaning of Bihar Shops and Establishment Act and Rules (the "Act" in short).

3. According to the petitioner, he was terminated on 1.5,1993 without any notice, against which he filed the said case.

4. The college is a teaching institution imparting medical education. There is nothing to show that the said college is an establishment which carries on any business, trade or profession or any work in connection with, or incidental or ancillary to any business, .trade or profession.

5. In Paragraph 89 of the judgment reported in P.A. Inamdar and Others Vs. State of Maharashtra and Others, the Hon"ble Supreme Court said thus :-

89. Education accepted as a useful activity, whether for charity or for profit, is an occupation. Nevertheless, it does not cease to be a service to society. And even

though an occupation, it cannot be equated to a trade or a business.

6. The learned Labour Court has considered relevant aspects of the matter and the law on the subject. I do not find any reason to interfere with the same. Accordingly, this writ application is dismissed.