

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19953 of 2014

1. Nageshwar Prasad, son of Late Saukhi Mahto, Resident of village + Post Office- Narsanda, Police Station- Chandi, District- Nalanda. At presently posted as Headmaster-cum-Secretary of Sarvodaya Uchch Vidyalay, Bauridih, P.O. Bauri Sarai, Police Station- Khodaganj, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Bihar, Patna.
2. The Principal Secretary, Department of Education, Bihar, Patna.
3. The Bihar School Examination Board, Patna through its Secretary.
4. The Chairman, Bihar School Examination Board, Patna.
5. The Secretary, Bihar School Examination Board, Patna.
6. The District Education Officer, Nalanda.
7. The Block Education Officer, Islampur, Nalanda.
8. The District Programme Officer, R.M.S.A., Nalanda.
9. Md. Mustak Ahmad Ansari, son of Late Jamaluddin Ansari, Incharge Headmaster, High School, Khodaganj, Nalanda. Permanent Address: R/O village- Sarvadahadih, P.S. Khijarsarai, District-Gaya.
10. Smt. Kalpana Kumari daughter of Sri Kameshwar Prasad, R/O Mohalla-Patel Colony, Shanichara Asthan, P.O.-Mahendru, P.S. Sultanganj, District-Patna-6.
11. Shashi Kant Kumar @ Mantu, son of Sri Bindeshwar Prasad, R/O village+P.O. & P.S.-Khodaganj, District-Nalanda.
12. Smt. Priyanka Sinha, wife of Om Prakash Prasad, R/O of Mohalla-Yogipur (Infront of Shiv Mandir), P.S. Patrakar Nagar, District-Patna.
13. Birendra Chaudhary son of Late Bullak Chaudhary, R/O village + P.O. & P.S.- Nagarnausa, District- Nalanda.
14. Shailendra Prasad, son of Arjun Prasad, R/O village-Bauridih, P.S. Khodaganj, District-Nalanda.
15. Smt. Sunita Kumari @ Sunita Devi wife of Dilip Kumar, R/O village-Bauridih, P.S. Khodaganj, District- Nalanda.

.... Respondent/s

Appearance :

For the Petitioner/s : Mrs. Poonam Kumari Singh
For the State : Mr. Anil Kumar Singh, AC to GP 4
For BSEB : Mr Ajay Behari Sinha
For Respondent 10 : Mr Ranjan Kumar Singh
For Respondent 12 : Mr Pankaj Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 10-04-2015

A big hue and cry was initially raised against the



reconstitution of the managing committee of what is known as Sarvodaya Uchch Vidyalay, Bauridihn Nalanda. It was also pleaded that the Examination Board had no reason to interfere with the working of the school, removing the petitioner from the post of Headmaster and also reconstituting the committee in terms of Annexure- 10, dated 20.10.2014.

The Examination Board was directed to file a detailed counter affidavit explaining the circumstances under which Annexure- 10 came to be issued.

It is evident from reading of the counter affidavit that it was a dispute going on with regard to managing committee of the school. Petitioner claims himself to be the Principal and the founder of the school. He is past his age of superannuation and by some kind of representation and manipulation he has managed to continue in the school as a Principal and wants to hang on by challenging Annexure- 10 to be illegal and beyond the powers of the Examination Board.

The cat is out of the bag. Even from the rejoinder application and the material brought on record by the petitioner, the petitioner has no business to continue as a Principal and as if the District Education Officer has powers to give extension to the petitioner to continue on the post of a Headmaster of the school after age of superannuation of the petitioner. The constitution obviously of the

managing committee was warranted because the petitioner has made that school his personal fiefdom instead of a public institution.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

sk

U			
---	--	--	--