

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 5792 of 2014

Sundari Devi, Wife Of Late Baldeo Singh, Resident Of Village - Bhataura, P.S. Taraiya, District - Saran

.... Petitioner/s

Versus

1. The State Of Bihar Through, The Principal Secretary, Department Of Human Resources And Development, Govt. Of Bihar, Patna
2. The Bihar School Examination Board (Senior Secondary) Through Its Secretary, Budh Marg, Patna
3. The Chairman, Bihar School Examination Board (Senior Secondary) Through Its Secretary, Budh Marg, Patna
4. The Secretary, Bihar School Examination Board (Senior Secondary) Through Its Secretary, Budh Marg, Patna
5. The Principal - Cum - Officiating Secretary, Management Committee Nagar, P.O. And P.S. Taraiya, Saran

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Shree Nivas Madhuvan

For the Respondent/s : Mr. SC21 Kumar Manish

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 17-12-2015

Heard learned counsels for the parties.

Looking at the kind of controversies and the manner in which certain set of people have tried to grab the college, in question, as a family incorporate and only when the shoddy drama unfolded in the writ application that one of the so called managing committee member as well as life trustee of trust created by him, tenders his resignation from the managing committee.

The Court is of the opinion that Bihar School Examination Board has totally abdicated its responsibility and is deliberately trying to shirk its responsibility of taking a decision on

the dispute and has allowed adhocism to prevail in the institution. May be some decisions have also been taken on some extraneous pressures brought about upon the authority by powers that be.

The Court, therefore, is of the opinion that the committee, which was constituted in terms of Annexure – 5 has lost its meaning which was anyway packed with people who are interested in looting the finance of the institution, such situation cannot be permitted to prevail.

The Court directs that no funding or any financial assistance is going to be released in favour of this college at all till either an appropriate declaration is made by a trial court in an appropriate suit brought about by the parties or if the Chairman, Bihar School Examination Board takes a decision after hearing the parties to the dispute and applies his independent mind with regard to the issue as to who should run the institution as an adhoc basis till a declaration is made by the civil court of competent jurisdiction.

This writ application stands disposed off with observation / direction as above.

This order will be communicated both to the Chairman, Bihar School Examination Board as well as Director, Secondary Education, Government of Bihar, Patna.

(Ajay Kumar Tripathi, J)

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