

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16690 of 2014

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1. Mahila Mahavidyalaya, Janakpur Road, Sitamarhi (Code No. 3223) through its Incharge Principal Raj Kumari Gupta, wife of Sri Laldhari Prasad, resident of Pupari Bazar, Janakpur Road, P.S.- Pupari, District- Sitamarhi
 2. Raj Kumari Gupta wife of Sri Laldhari Prasad, resident of Pupari Bazar, Janakpur Road, P.S.- Pupari, District- Sitamarhi

.... Petitioners

Versus

1. The State of Bihar through the Director, Secondary Education, Government of Bihar, Patna
2. The Director, Secondary Education, Government of Bihar, Patna
3. The District Education Officer, Sitamarhi
4. Bihar School Examination (Higher Secondary) Board, Budh Marg, Patna through its Chairman
5. The Chairman, Bihar School Examination (Higher Secondary) Board, Budh Marg, Patna
6. Smt. Rita Kumari, Mahila Mahavidyalay, Janakpur Road, Sitamarhi

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Mishra, Advocate

For the State : Mr. Manoj Kumar Ambastha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-11-2015

Keeping in mind the order which has passed in CWJC

No.7022 of 2013 (Annexure-20) dated 02.05.2013, this Court will not entertain the writ application on behalf of the present petitioner because she was respondent no.6 in the said writ application and the observation of the Court is that since a civil suit has already been filed by respondent no.5 and if any other person is aggrieved, he could also move the civil court for establishing identity of the original institution. The dispute over the affairs of the institution is in relation to the said adjudication.

If this is so, the right forum for the present petitioner is to move the civil court of competent jurisdiction for an appropriate declaration. The impugned order contained in Annexure-19 can also be tested in the said suit for an appropriate declaration. This Court cannot decide the fight between two private individuals on limited evidence and material available on record.

Writ application is disposed of with the above liberty.

(Ajay Kumar Tripathi, J.)

Sanjay/-

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