

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7030 of 2014

Bachcha Singh, Son of Late Bageshwari Singh, Resident of Village Paltu Hatta,
P.S. AND P.O. Paltu Hatta, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna
3. The Director, Secondary Education, New Secretariat, Government of Bihar, Patna
4. The Bihar School Examination Board Through Its Secretary, Budh Marg, Patna
5. Mr. Rajmani Prasad Sinha, Chairman, The Bihar School Examination Board, Patna
6. Mr. Ashutosh Kumar, Secretary, The Bihar School, Examination Board, Patna
7. The Deputy Secretary, Bihar School Examination Board, Patna
8. The Governing Body of The A.K.S. College Through Its Secretary Puraina, Pattu Hatta, Siwan
9. The District Education officer, Siwan

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik
For the Respondent/s : Mr. Sunil Kr. Mandal

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-12-2015

01.12.2015

Heard learned counsel for the parties.

Enough round of litigations have now been fought at the level of the High Court. The series of orders, which have been annexed and the intervention of High Court in those matters, does not help the situation in deciding the core issue and dispute between the parties. Now, the time has come, looking at some of the past orders as well as the directions that either the Bihar School Examination Board takes decision on the

question of who is the donor and rightful claimant to be notified as Chairman of the institution in question or else the parties claiming such a position go before a civil court of competent jurisdiction and seek a declaration, where evidence, both oral as well as documentary kind, can well be appreciated as well as be taken into consideration. The High Court cannot be used as a forum for some kind of observation here and there to grab a position in the managing committee in a summary proceeding.

Before parting, the Court would like to direct the Chairman of the Examination Board that since question of donor-ship is pending since last 10 years, a decision in this regard after hearing the parties must be taken within a period of three months from the date of production / communication of a copy of this Order.

Writ application stands disposed off with observation / direction as above.

(Ajay Kumar Tripathi, J.)

SKM/-

U			
---	--	--	--