

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15281 of 2015

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Hari Kishore Jha, son of late Ram Krishna Jha, resident of Village Kalyanpur, P.S. Bibhutipur, Dist. Samastipur at present Headmaster in Yogeshwari Sanskrit Madhya Vidyalya, Kalyanpur, Dist. Samastipur.

.... Petitioner/s

Versus

1. The Bihar Sanskrit Shiksha Board, Patna.
2. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
3. The Secretary, Bihar Sanskrit Shiksha Board, Patna.
4. Ram Deo Prasad, S/o not known to the petitioner, the then Chariman, Bihar Sanskrit Shiksha Board, Patna. At present resident of Mohalla Gulbighat, Mahendru, Patna.
5. Ram Balak Singh, S/o late Ram Jivan Mahto, resident of Village Singhiya Bujurg South Tola Shiv Nathpur, P.S. Bibhutipur, Dist. Samastipur. At present M.L.A. Bibhutipur, Distt. Samastipur.
6. Narendra Mishra, S/o late Janardan Mishra, resident of Village Meghaul, P.S. Kodamanpur, Dist. Begusarai.
7. The Managing Committee of Yogeshwari Sanskrit Madhya Vidhalaya Kalyanpur, Bibhutipur, Dist. Samastipur.
8. The Principal Secretary, Manav Sansadhan Vikash Vibhag, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Ishwar, Adv.
For the Bihar Sans. Shiksha Board : Mr. Satyam Shivam Sundaram

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 01-10-2015 Learned counsel for the petitioner prays for and is allowed to implead State of Bihar through Principal Secretary of the Education Department.

Mr. Sanjeev Kumar, AC to SC-1 accepts notice on behalf of the Government of Bihar.

Let two copies of the writ petition be served on Mr. Sanjeev Kumar, AC to SC-1 in course of the day.

Learned counsel for the petitioner has submitted that



though the petitioner is a Headmaster of a recognized Sanskrit School, the impugned order of suspension has been passed by the Ad-hoc Committee but, then, the petitioner has been virtually left with no remedy, inasmuch as, not only the Ad-hoc Committee's constitution and functioning is subject matter of an appeal at the instance of the petitioner but even the order of the Secretary to the Bihar Sanskrit Shiksha Board giving approval to the decision taken by the Ad-hoc Committee for suspending the petitioner, though capable of being subjected to an appeal under Section 24 of the Bihar Sanskrit Shiksha Board Act, cannot lead to any speedy remedy for the petitioner because the State Government has not notified the competent authority who may hear the appeal against the order of the Bihar Sanskrit Shiksha Board or its Chairman/Secretary.

In the considered opinion of this Court, once the petitioner has a statutory alternative remedy of filing an appeal and also that the petitioner is an employee of a non-government recognized Sanskrit School, this Court is not inclined to interfere in the matter.

When such an observation has been made, Mr. Suresh Kumar Ishwar, learned counsel for the petitioner, seeks permission to withdraw this application in order to enable the petitioner to file

an appeal in terms of Section 24 of the Bihar Sanskrit Shiksha Board Act.

It, however, goes without saying that if the petitioner files an appeal, the Principal Secretary of the Education Department shall ensure that as per the earlier undertaking given to this Court in CWJC No. 15594 of 2013, the Appellate Authority shall be notified within a period of one month from the date of receipt of this order, if not already done so by now.

With the aforesaid observations and directions this writ application is permitted to be withdrawn, as prayed for.

(Mihir Kumar Jha, J)

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