

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1616 of 2011

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Dr. Hariom Prasad, son of Late Ganga Prasad, resident of mohallah:
Bhagwan Bazar Chawk, P.O. Chapra, P.S. Bhagwan Bazar District Chapra
(Saran)

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department New Secretariat, Patna
2. The Director Secondary Education, Human Resources Development Department New Secretariat, Patna
3. The Deputy Director Secondary Education, Human Resources Development Department, New Secretariat, Patna
4. The District Magistrate cum Collector Saran At Chapra
5. The Regional Deputy Director Education, Saran at Chapra
6. The District Education Officer, Saran at Chapra
7. The Bihar School Examination Board (Senior Secondary) Budh Marg, Patna through its Secretary
8. The Chairman Bihar School Examination Board (Senior Secondary) Budh Marg, Patna
9. The Secretary, Bihar School Examination Board, (Senior Secondary) Budh Marg, Patna
10. The Managing Committee Shankar Dayal Singh College Jalalpur Bazar P.O. Jalalpur Bazar P.S. Jalalpur District Saran through its Secretary
11. The Secretary Managing Committee Shankar Dayal Singh College Jalalpur Bazar P.O. Jalalpur Bazar P.S. Jalalpur District Saran
12. The Principal Shankar Dayal Singh College Jalalpur Bazar P.O. Jalalpur Bazar P.S. Jalalpur District Saran
13. Santosh Kumar Rai son of Ram Narayan Rai resident of village and p.o. Newari P.S. Kopa district Chapra (Saran)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Narayan Parbat

For the Respondent/s : Mr. Ranjeet Sinha

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8 09-12-2015 Heard Sri Mahesh Narayan Parbat, learned senior counsel for the petitioner, learned AC to AAG No. 6 as well as Sri Ranjeet Sinha, learned counsel, who has appeared on behalf of the respondent/ Bihar School Examination Board.

The petitioner, invoking writ jurisdiction of this court

under Article 226 of the Constitution of India, has made a prayer for the following reliefs:-

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- (a) *To issue a writ of mandamus, commanding the respondents to discharge their legal obligation to follow their own decisions and to pay equal shares in the grants/honorariums to the petitioner for the first post of lecturer of English subject on which he is working since 1993 in terms of his appointment done by the Managing Committee of Shankar Dayal Singh College, Jalalpur Bazar, P.O.- Jalalpur Bazar, P.S. Jalalpur district saran*
 - (b) *To issue further writ of mandamus, commanding the respondents to allow the petitioner to work on the first post of lecturer of English subject of college concern and to pay the amount of said grants / honorariums to the petitioner at the admissible rate immediately, which has been withheld by the respondents in wholly illegal and arbitrary manner without any reason.*
 - (c) *To any other relief or reliefs for which the petitioners may be found entitled to”*

Learned counsel for the Bihar School Examination Board has raised objection on the point of maintainability of the writ petition. He submits that the grievance in the present writ petition has been raised against a college which is being managed by a private managing committee and as such, no writ may be issued.

However, learned counsel for the petitioner submits that in respect of the same college other teachers had approached

this court by filing a writ petition vide CWJC No. 19933 of 2011. The said writ petition was disposed of with a direction to the petitioners to approach the Director, Secondary Education by filing representation and thereafter, the Director, Secondary Education was directed to examine the same and pass appropriate order. He submits that in same terms this writ petition may be disposed of.

In the present writ petition by order dated 8.8.2011 notice was directed to be issued to the respondent no. 10 to 13. However, repeatedly none has appeared on behalf of the aforesaid respondents.

In view of the facts and circumstances, the court proposes to dispose of the writ petition granting liberty to the petitioner to file a detailed representation before the Director, Secondary Education within a period of six weeks from today. If such representation is filed, the Director, Secondary Education is required to examine the same and pass appropriate order in accordance with law preferably within a period of three months after filing of such representation.

The writ petition stands disposed of.

(Rakesh Kumar, J)

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