

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8110 of 2014

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Ram Briksha Roy son of Ram Charan Roy R/o Village- Namapur, P.O. + P.S.-
Chakmehsi, District- Samastipur

.... Petitioner

Versus

1. Bihar School Examination Board (Senior Secondary), Buddha Marg, Patna through its Secretary.
2. The Chairman Bihar School Examination Board, (Senior Secondary), Buddha Marg, Patna.
3. The Secretary, Bihar School Examination Board (Senior Secondary), Buddha Marg, Patna.
4. Dr. Kameshwar Roy Son of not known, Incharge Principal, Mahanth Fulena Das Karpoori Inter Mahavidyala, Mohalla- Kashipur (Behind Central Bank of India) Ward No.- 10, P.O.- Samastipur, District- Samastipur.
5. Dr. Mini Thakur, Professor, R.M.A.R. College, Samastipur.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 12169 of 2014

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Mahanth Ajiteshwar Das, disciple of Late Fulena Das resident of Village- Arjakbel
Rashalpur, P.S- Chak Mehshi, District- Samastipur.

.... Petitioner

Versus

1. The Bihar School Examination Board (Senior Secondary) Budha Marg, Patna through its Secretary.
2. The Chairman, Bihar School Examination Board (Senior Secondary), Budha Marg, Patna.
3. The Secretary, Bihar School Examination Board (Senior Secondary) Budha Marg, Patna.
4. Dr. Kameshwar Roy Son of Late Sone Lal Roy In Charge Principal, Mahanth Fulena Das Karpoori Inter Mahavidyalaya, Mohalla- Kashipur (Behind Central Bank of India), Ward No. 10, P.O- Samastipur, District- Samastipur.
5. Dr. Mini Thakur Wife of M. N.Pandey R.M.A.R. College, Samastipur.
6. Ram Briksha Roy Son of Ram Charan Roy, resident of Village- Namapur, P.O. & P.S.- Chakmehsi, District- Samastipur.

.... Respondents

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Appearance :

(In CWJC No. 8110 of 2014)

For the Petitioner : Mr. Sunil Kumar Singh, Advocate

For Res. Nos.1, 2 & 3 : Mr. Lalit Kishore, P.A.A.G.

Ms. Binita Singh, A.C. to P.A.A.G.

(In CWJC No. 12169 of 2014)

For the Petitioner : Mr. Vishwa Mohan Kumar Sinha, Advocate

For Res. Nos.1, 2 & 3 : Mr. Lalit Kishore, P.A.A.G.

Ms. Binita Singh, A.C. to P.A.A.G.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 06-11-2015

In both writ applications there is a kind of common plea that adhocism must end in the college and a regular Governing Body should be constituted in terms of Rule 17(क) as per the Bihar School Examination Board Rules, 2011 as amended in the year 2013.

No doubt there is some dispute amongst the claimants as to who is a donor and who is not and who is the authority to recommend names for constitution even of an ad hoc committee etc. but these are verifiable facts if at all from the original records and the decisions taken earlier with regard to affairs of the college concerned which will have reflection amongst the claimants who are before the High Court.

The Court deliberately does not want to record in detail the submissions on behalf of the two petitioners because at time it prejudices the authorities in one manner or the other.

Without expressing any opinion on the merit of the rival claims by the rival claimants, the writ applications are disposed of with a direction upon the Chairman of Bihar School Examination Board that he may give an opportunity of hearing to the parties and then take steps for formation of a permanent managing committee in terms of the Rules, preferably within a period of four months.

Writ applications are disposed of with above direction.

(Ajay Kumar Tripathi, J.)

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