

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2639 of 2015

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1. Bhagwati Devi wife of Late Dr. Mundeshwari Prasad Singh Resident of village and at P.O. - Belamegh, Police Station - Ujiyarpur, District - Samastipur.

.... Petitioner/s

Versus

1. The Secretary, Bihar School Examination Board (Higher Secondary), Budh Marg, Patna.
2. The Chairman, Bihar School Examination Board (Higher Secondary), Budh Marg, Patna.
3. The Bihar School Examination Board (Higher Secondary), Budh Marg, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nirmal Kumar

For the Respondent/s : Mr. Girijish Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-04-2015

The Intermediate College in question is no exception to an ongoing war between rival factions to take control of the working of the institution. This kind of disputes have become a regularity ever since the State Government has started releasing funds as part of its commitment to finance and support education. Nobody has the interest of college or students in mind. The whole effort of the rival groups is to take control of the money which is coming from the State and manipulate the distribution thereof.

The present impugned order contained in Annexure- 15 has the effect of taking away effective control of the petitioner over the affairs of the college and recognition has been granted to a group led by one Baleshwar Singh and not the one led by the present

petitioner, Bhagwati Devi.

Dispute of such kind cannot be adjudicated without taking evidence, oral as well as documentary into consideration. This is a matter which requires filing of a suit for appropriate declaration. In a summary proceeding under Article 226 a Court can never get down to the bottom of the matter because half the time the documents are created by the vested interest and authenticity thereof can only be tested in a proper proceeding before a civil court of competent jurisdiction.

In view of the same, the Court dismisses the writ application with liberty to the petitioner or anybody so interested to seek a declaration from a civil court of competent jurisdiction and then exercise effective control of the management of the institution in question. The Court, therefore, leaves it to the wisdom of the petitioner to embark upon the course of action which she may decide in this regard.

(Ajay Kumar Tripathi, J)

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