

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 17828 of 2016

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Baba Bhutnath Intermediate College, Aushani Bagaha , West Champaran through
its Secretary Madan Prasad Gupta, son of late Ram Pyare Sah, resident of village- -
Patkulia, P.S. – Bagaha, District – West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, High Education, Government of Bihar, Patna
3. The Director, Higher Secondary Education, Government of Bihar, Patna
4. The Chairman, Bihar School Examination Board (Higher Secondary) Budh
Marg, Patna
5. The Secretary, Bihar School Examination Board, Budh Marg, Patna
6. The District Magistrate, West Champaran, Bettiah
7. The Additional Collector, Departmental Engineer-cum-Chairman, West
Champaran, Bettiah
8. District Education Officer, West Champaran, Bettiah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Respondent/s : Mr. Ashutosh Ranjan Pandey-AAG15

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 28-10-2016

Heard learned senior counsel for the petitioner
and counsel for the respondent-Bihar School Examination
Board, also assisted by Shri Lalit Kishore, senior counsel.

By virtue of Annexure – 6, dated 24th of
September, 2016, for the various shortfalls pointed out in
the letter of communication the affiliation of the institution
has been suspended. Annexure – 7 is the reply given by the
college to the Secretary of Bihar School Examination Board,

where they have explained their position with regard to the deficiency with a further submission to the Court that they are willing to give an undertaking as well that in terms of the regulation and the time-frame, provided therein, they shall meet all the shortfalls.

The Court is not willing to go through Annexure – 7 and decide the issue at its level, especially when it is the statutory authority, who has the necessary powers to examine the correctness and authenticity of the position explained by the college in Annexure – 7.

The writ application in fact is disposed off with a direction upon the Secretary of the Bihar School Examination Board that they will consider Annexure – 7 and pass appropriate order with regard to the order of continuance of the order of suspension, contained in Annexure-6 by 11th of November, 2016. This is necessary in view of the fact that the dates for registration of the students have already been announced by the Examination Board. The student cannot be made to suffer because of the omission on the part of the institution. If the respondents decide against the institution, they will also have to take a decision, which is necessary for participation of the students in the coming intermediate examination 2017. The decision must be taken within two weeks of production of a copy of



this order.

Writ application stands disposed off in terms of

the above.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	29.10.2016
Transmission Date	