

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1436 of 2016

IN

Civil Writ Jurisdiction Case No. 9841 of 2016

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1. Bihar Rajya Arya Pratinidhi Sabha, Patna through its Secretary Ramendra Kumar Gupta having its registered office at Sri Munishwaranand Bhawan, Naya Tola, P.S.-kadamkuan, Town & District-Patna.

2. Ramendra Kumar Gupta, Son of Late Harish Chandra Prasad, resident of village-Bibiganj Dalwar Road, P.O.- Danapur Cantt., P.S. Danapur, District- Patna.

.... Appellant/s

Versus

1. Bihar Rajya Arya Pratinidhi Sabha, Patna through its President (Pradhan), Sri Ganga Prasad, having its registered office at Sri Munishwaranand Bhawan, Naya Tola, P.S.- Kadamkuan, Town & District- Patna.

2. Ganga Prasad, S/o Late Munder Sah, resident of Arya Bhawan, Khajpura, Baily Road, P.S.- Shashtri Nagar, Town & District-Patna.

3. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.

4. The Director (Secondary Education), Education Department, Govt. of Bihar, Patna.

5. The District Education Officer, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Y.V. Giri, Sr. Adv.
Mr. Pranav Kumar, Adv.

For the Respondent/s : Mr. Vivek Prasad, GP-7

For Resp. 1st Set : Mr. P.K. Shahi, Sr. Adv.
Mr. Rajeev Lochan, Adv.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

JUDGMENT AND ORDER

ORAL

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 25-07-2016

I.A. No.5414 of 2016

Heard Mr. Y.V. Giri, learned Senior Counsel,

appearing on behalf of the appellant, and Mr. Vivek Prasad, learned

Government Pleader No.7, appearing on behalf of the State. Heard also Mr. P.K. Shahi, learned Senior Counsel, appearing on behalf of respondent 1st Set.

Because of the fact that in the light of the pleadings in the writ petition, which came to be registered as C.W.J.C. No.9841 of 2016, the applicants, who have sought the leave to prefer appeal, were, in the considered view of this Court, necessary parties, they ought to have been impleaded as parties in the writ petition. This was, however, not done and no explanation was given or is discernible from the pleadings in the writ petition or the materials on record as to why the present applicants had not been impleaded as parties to the writ petition.

It was in the above background that the order, dated 24.06.2016, came to be passed, in C.W.J.C. No.9841 of 2016, which reads as under:

“Counsel for the State seeks four weeks’ time to file counter affidavit.

Time is granted.

Matter will come up on 22nd of July, 2016.

In the meantime status quo as it existed prior to issuance of notification, dated 10.06.2016, contained in Annexure-12, shall be strictly maintained by one and all.

I.A. No.4906 of 2016 is allowed in terms of the above.”

Having regard to the fact that the present applicants were necessary parties, we allow the leave to appeal, as has been sought for by the applicants through I.A. No.5414 of 2016.

I.A. No.5414 of 2016 stands, accordingly, disposed of.

L.P.A. No.1436 of 2016

Having regard to the fact that by the order under appeal, passed, on 24.06.2016, in C.W.J.C. No.9841 of 2016, the learned single Judge has directed *status quo ante* to be maintained as the same existed prior to the issuance of the notification, dated 10.06.2016, we are clearly of the view that in the absence of any reason having been assigned by the learned single Judge in the order, dated 24.06.2016, no interim order of the nature as aforesaid, could have been passed inasmuch as passing of an order of *status quo ante* is an order of great moment and cannot be made without assigning reasons therefor.

In the result, and for the foregoing reasons, the direction for *status quo ante* to be maintained, as existing prior to the notification, dated 10.06.2016, is hereby set aside and made effective with effect from 24.06.2016. In short, thus, the notification, dated 10.06.2016, contained in Annexure-12 to the writ application, shall stand stayed with effect from 24.06.2016.

With the above modification in the order, dated 24.06.2016, aforementioned, the appeal is hereby disposed of.

There shall, however, be no order as to costs.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	27.07.2016
Transmission Date	N.A.