

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12149 of 2016

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M. D. Saif Uchh Madhyamik Vidyalaya, Bikramganj, Rohtas through its Principal
Sabha Parween, D/o Late Shawaj Taraj Khan Village+P.O.- Bikramganj, Rohtas at
Sasaram.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Govt. of Bihar, Patna.
4. The District Education Officer, Rohtas at Sasaram.
5. Bihar School Examination Board (Senior Secondary), Budhha Marg, Patna
through its Secretary.
6. The Chairman, Bihar School Examination Board (Senior Secondary), Budhha
Marg, Patna
7. The Secretary, Bihar School Examination Board (Senior Secondary), Budhha
Marg, Patna

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr. Ajay Bihari Sinha, G.A.8
		Mr. Suryakant Kumar, A.C. to G.A.8
For BSEB	:	Mr. Ajay Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 17-10-2016

The non-provision of power of suspension of affiliation in the Regulation has to be read integral to the order of grant of such affiliation by the Board. It flows from the General Clauses Act. What can be done by an authority can also be undone by the same authority. Therefore, mere absence of provision for suspension of affiliation is of no avail to the petitioner and he can not hide behind the logic of no provision for suspension.

The institution had already been issued a show-cause on 27.08.2016, pointing out the inadequacies and a response had been

sought. It is incumbent upon the institution to first respond to the same and thereafter the Bihar School Examination Board shall take a decision on such reply or response. The cause of action for the petitioner may arise then, not now.

Writ application is disposed of with the above observation and direction.

A copy of this order will be communicated to the Secretary of the Examination Board to facilitate his understanding of provisions in case objections are taken before him that the Board does not have powers of suspension of affiliation, in absence of provision in the Regulation.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	21.10.2016
Transmission Date	