

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19759 of 2014

Suresh Prasad Singh, S/o Late Bashishtha Narain Singh, Resident of Near Prabhat Tara School, Bhagwanpur, P.O. Bhagwanpur, P.S. Muzaffarpur Sadar, District Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Bihar School Examination Board, Budha Marg, Patna through the Secretary.
5. The Secretary (Higher Secondary), the Bihar School Examination Board, Budha Marg, Patna.
6. The District Education Officer, Muzaffarpur, District Muzaffarpur.
7. The District Program Officer (Establishment), Muzaffarpur, District Muzaffarpur.
8. The Principal, L.P. Shahi Inter College, Patahi, Muzaffarpur, District Muzaffarpur.
9. Dr. Shambhu Prasad Singh, S/o Late Kedar Prasad Singh, Resident of Mohalla Rasul Jilani, P.O. Manjhaulia, P.S. Kazi Mohammadpur, District Muzaffarpur.

.... Respondents

Appearance :

For the Petitioner : Mr. Chandan, Advocate
For the State : Mr. Madhukar Krishna Sinha, S.C.1
For Res.4 & 5 : Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 19-04-2016

By virtue of a notification dated 27.08.2014, the Managing Committee has been constituted under the signature of the Secretary, Bihar School Examination Board for the institution known as L.P. Shahi Inter College, Patahi in the district of Muzaffarpur. Petitioner does not seem to be satisfied with that constitution because he has decided to challenge the said notification (Annexure-8 to the present writ

application).

2. Petitioner claims himself to be the highest donor in the institution and his exclusion has caused the heartburn. He challenges the constitution of the Managing Committee by Bihar School Examination Board. Petitioner has brought materials on record to show that he is the highest donor and in terms of the provision, his name should have figured in the list of Managing Committee.

3. The assertion and claim of the petitioner in this regard is not free of controversy and in fact has been seriously contested on behalf of the respondents, i.e., the Bihar School Examination Board as well as respondent nos.8 and 9. They have also brought on record in the counter affidavit the various deeds/misdeeds of the petitioner if not the fraud he tried to play with the institution which led to institution of a criminal case against him as well as the threat which made him perform the obligation of registering a piece and parcel of land which he was supposed to do in the interest of the college in question.

4. No doubt certain entries have been shown to be donations on the part of the petitioner towards the college and the accumulated effect of that donations or entries have been added up to show that he is the highest donor amounting to a little over a 5 lakhs of rupees.

5. Those entries are suspect. However, the authenticity of the same can only be established after a due enquiry or verification of

the bona fide of those entries which is linked with donations of the petitioner towards the college in question.

6. In absence of any authenticity in terms of evidence with regard to such donations having been either produced before the Board or before this Court, there cannot be any reason for this Court to quash Annexure-8 merely because the petitioner's name does not figure in the list of the Managing Committee.

7. The constitution seems to be in light of the provision specially Rule 17 (क) and it does not seem to suffer from any illegality or power or jurisdiction vested in the Board.

8. So far petitioner is concerned, let him file a suit and get a declaration in his favour that he is a donor member or the highest donor member if at all before he can assert his right or claim a rightful position in this regard, when the time arises for being declared a donor member, as well as a member of the Committee, by virtue of such donations.

9. Writ application has no merit and it is dismissed.

(Ajay Kumar Tripathi, J.)

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