

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17305 of 2015

- =====
1. Keshava Prasad Singh, Son of Late Ram Sundar Singh, Resident of C-10, Professors Colony, North Shastri Nagar, P.O. & P.S.- Shastri Nagar, District- Patna.
 2. Rajendra Prasad Singh, Son of Late Viswanath Singh, Resident of Village- Chhawarahi, P.S.- Piro, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Bihar School Examination Board through its Secretary, Sinha Library Road, Patna.
3. Chairman, Bihar School Examination Board, Sinha Library Road, Patna.
4. Secretary, Bihar School Examination Board, Sinha Library Road, Patna.
5. Director, Secondary Education, Government of Bihar, Patna.
6. The District Education Officer, Bhojpur, Ara.
7. Mr. Anil Kumar, Development Programme Officer, District Education Officer, Bhojpur, Ara.
8. Munilal Singh, Ex-Incharge Headmaster, Dr. Lohia Memorial Valika Uchh Vidyalaya, Chhawarahi, Bhojpur.

.... Respondents

=====

Appearance :

For the Petitioners	:	Mr. Sachindra Kumar Tiwary, Advocate
For the State	:	Mr. M.K. Ambastha, G.P.14
For the Board	:	Mr. Lalit Kishore, Senior Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-09-2016

Heard counsel for the petitioners, counsel for the private respondent, counsel for the State and the counsel appearing on behalf of the Examination Board.

The fight is within the privately managed school for supremacy. There are two Headmasters and two parallel committees which are said to be inexistence and both the petitioners and private respondent no.8 claim a right over the school in question by virtue of certain decisions taken by the two rival committees. In a situation like

that, obviously the Board had no option but to constitute a committee of *ad hoc* kind to run the day to day affairs of the school. The private respondent may not be the epitome of virtue but that by itself will not enthruse the High Court to get into a private dispute under a summary jurisdiction of Article 226 of the Constitution of India. The parties are free to launch their legal battle before a civil court of competent jurisdiction, get a declaration as to which committee is the correct committee and who has a right to be the Headmaster of the school in question. Till then they are free to continue their fight.

Writ is dismissed with liberty as above.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	03.10.2016
Transmission Date	