

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18639 of 2015

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Sudha Rani Srivastava Wife of Sri Hariwansh Sahay resident of village and Post office - Sonbarsa, P.S. Nawanagar, District - Buxar Presently working as In-Charge Head Mistress, Kanya Uchcha Vidyalaya, Sonbarsa, Buxar.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna
2. The Principal Secretary, Human Resources Department, Government of Bihar, Patna
3. The Director, Higher Education, Government of Bihar, Patna
4. The Principal Secretary, Welfare Department, Government of Bihar, Patna
5. The District Magistrate, Buxar
6. The District Program officer, Buxar
7. The District Welfare Officer, Buxar
8. The District Education Officer, Buxar
9. The Secretary, Bihar School Examination Board, Patna
10. The Senior Manager, Madhya Gramin Bank, Sonbarsa, Buxar
11. Sri Surendra Tiwary, Headmaster - Cum - Member Secretary, Kanya Uchcha Vidyalaya, Sonbarsa, Buxar
12. Sri Madan Mohan Pandey, School Teacher representative, Kanya Uchcha Vidyalaya, Sonbarsa, Buxar

.... Respondents

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Appearance :

For the Petitioner : Mr. Bipin Kumar Sinha, Advocate
For the State : Mr. N.K. Singh, G.P.26
For B.S.E.B. : Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT

Date: 07-04-2016

Heard counsel for the petitioner, counsel for Bihar School Examination Board as well as the private respondent and the State.

In terms of the new Rules in place, the names recommended or forwarded by the Headmaster are supposed to be the basis for constitution of a managing committee. In this regard, the Court would like to rely upon provision 17 (क) sub-rule (1) and (2).

In the counter affidavit filed on behalf of the Examination Board a clear and categorical statement has been made that there is a dispute amongst the people claiming one right or the other to represent the institution. However, since the Examination Board did not receive any kind of objection or assertion on behalf of the petitioner before constitution of the managing committee which is under challenge, therefore, the same was notified.

The Court has gone through the material contained in Annexure-10 as well as Annexure-8 which the petitioner is pressing into service to show that proper communication was made to the Board.

On perusal of the same, the Court is satisfied that it seems to be an after thought and not filed at the relevant time which necessitated consideration before issuance of the impugned order dated 16.12.2014 (Annexure-9).

Writ application has no merit and it is dismissed.

(Ajay Kumar Tripathi, J.)

Sanjay/-

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