

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1207 of 2016

- =====
1. Arya Samaj Maccharhatta Trust, Barh, Patna through its secretary Arjun Prasad son of Chiraunji Sao Resident of village - Arya Bhawan, Nilami Gali, PS - Barh, District - Patna.
 2. Ram Pravesh Prasad son of Daroga Rai Principal cum Secretary, Harihar Sah Balika Ucchya Vidyalaya Barh, PS - Barh, District - Patna.

.... Petitioners

Versus

1. The State of Bihar through Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Secretary, Bihar School Examination Board, Patna.
3. The District Education Officer, Patna.
4. Panchnand Sharma son of late Sukhdeo Sharma Resident of village Dayachak, PS - Barh, District - Patna.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Md. Khurshid Alam, Advocate
For the State	:	Mr. S.K. Sharma, GA1
For the Board	:	Mr. Lalit Kishore, Senior Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 10-11-2016

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

The dispute is of such kind where a summary proceeding under Article 226 of the Constitution of India cannot decide the lis between parties when there is a serious factual dispute as well as the authenticity of the documents being used by the parties are also a matter of close examination.

This can only be done by a civil court of competent jurisdiction where a declaration can be obtained by the petitioner if he

so wants. Otherwise the Examination Board has given an opening to the other person who is claiming himself to be the Headmaster and he is not even before this Court.

The writ application, therefore, is dismissed with liberty to the parties to contest the matter in any other forum including a civil court.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	11.11.2016
Transmission Date	