

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.152 of 2016
IN
Civil Writ Jurisdiction Case No. 5792 of 2014**

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Devendra Singh, aged about 50 years, son of Late Ramji Singh, Principal cum Secretary of Managing Committee, Yogi Raj Deoraha Baldeo Singh College, Taraiya, District- Saran.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources and Development, Government of Bihar, Patna
2. The Bihar School Examination Board (Senior Secondary) through its Secretary, Budh Marg, Patna
3. The Chairman, Bihar School Examination Board (Senior Secondary) through its Secretary, Budh Marg, Patna
4. The Secretary, Bihar School Examination Board (Senior Secondary) through its Secretary, Budh Marg, Patna Respondents - Respondents 1st Set.
5. Sundari Devi Wife of Late Baldeo Singh, Resident of Village - Bhataura, P.O. & P.S. Taraiya, District - Saran

Petitioner - Respondent 2nd Set

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Appearance :

For the Appellant	:	Mr. Yugal Kishore, Sr. Advocate. Mr. Ugranath Mallik, Mrs. Nutan Sahay, Mr. Sanjay, Kumar, Advocates
For the State	:	Mr. Kumar Manish, Advocate.
For the Board	:	Mr. Satyabir Bharti, Advocate.
For Respondent No. 5	:	Mr. Shekhar Singh, Advocate.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 08-12-2016

Heard learned counsel for the appellant and learned
counsel for the respondents.

2. The challenge in the present Letters Patent Appeal is
to an order passed by the learned Single Bench on 17th of December,
2015 in CWJC No. 5792 of 2014 whereby the Court issued a direction



that no financial assistance shall be released to the College till an appropriate declaration is made by the Civil Court in an appropriate suit brought about by the parties or the Chairman of Bihar School Examination Board takes its decision as to who should run the institution as on ad-hoc basis till a declaration is made by the Civil Court of competent jurisdiction.

3. The Bihar School Examination Board (hereinafter referred to as 'the Board') constituted a Managing Committee of the affiliated Yogiraj Devraha Baldeo Singh College on 8th of January, 2014 wherein the writ applicant is one of the members as also her son. Soon after the Managing Committee was notified, the writ applicant is said to have submitted a representation on 31st of January, 2014 regarding constitution of the Managing Committee.

4. In the counter affidavit filed on behalf of the Board, it was asserted that Bihar School Examination Board Affiliation Rules, 2011 were amended in the year 2013 wherein Clause 14 has been added under Sub-Regulation 22.1. Such Clause provides that dispute in connection with the Society/Trust/Governing Body/ Managing Committee/Ad Hoc Committee of the concerned institution shall be resolved by the notified Appellate Authority at Divisional level by the State Government. Once a statutory body to adjudicate the dispute has been established, we find that the direction of the



learned Single Bench relegating the parties for resolution of the dispute to the competent Civil Court is not tenable. The parties will take recourse to the statutory remedy of appeal provided under the Regulation.

5. Since the writ applicant has filed a representation on 31st of January, 2014, we direct that such representation be treated as an appeal against the order of the constitution of the Managing Committee of the Board on 8th of January, 2014, subject to the completion of the formalities if any required. The Appellate Authority shall consider the appeal on merits and decide in accordance with law expeditiously preferably within a period of six months.

6. Learned counsel for the writ applicant has brought to our notice that Appeal No. 29 of 2014 was filed by the Dr. Triloki Nath Singh against the constitution of the Managing Committee which was dismissed in view of the order passed by this Court.

7. The said appellant Triloki Nath Singh in such appeal before the Appellate Authority is not a party before this Court. But the said order was passed relying upon the order passed by the learned Single Judge, which has since been set aside. Therefore, the order passed by the Appellate Authority on 18th of February, 2016 is also set aside and the appeal restored to its original file. The said appeal and the representation submitted by the writ applicant be treated as



appeals so that both shall be taken up together and be decided in accordance with law. Dr. Triloki Nath Singh be informed of the date of hearing so that he may cause appearance before the Appellate Authority.

7. The present Letters Patent Appeal is accordingly disposed of.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

B.T/Ibrar

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