

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12686 of 2015

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Guneshwar Singh, Son of Late Ram Bahadur Singh, Resident of Village & P.O. - Rajanpur, P.S. - Mahisi, District - Saharsa, at present Chairman - cum - Donor of the Managing Committee, Shobha Rambahadur High School, Rajanpur, P.S. - Mahisi, District - Saharsa.

.... Petitioner/s

Versus

1. The Bihar School Examination Board, through its Chairman, behind Sinha library, P.S. - Kotwali, District- Patna.
2. The Secretary, the Bihar School Examination Board, behind Sinha Library, P.S. - Kotwali, District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Respondent/s : Mr. Piyush Lall

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-04-2016

The writ application has been filed to give a direction upon the Bihar School Examination Board to accord recognition / approval to the duly constituted managing committee, what is known as Shobha Rambahadur High School.

In the counter affidavit, the Examination Board has taken stand, which is as under:

“8. That in this regard it is worthwhile to mention here that in response the Principal / Head Master of the school in question i.e., Shobha Rambahadur High School, Rajanpur, Mahisi, Saharsa, submitted documents before the Board, regarding formation of the Governing Body and Managing Committee with respect to the said school in question; however in course of

scrutiny of the documents, submitted in this regard before the Board, it came to light that the Managing Committee / Governing Body of the said school in question, had not been constituted in terms of the Bihar School Examination Board (Senior Secondary) Affiliation Bye-laws, as stipulated in this regard under 'Regulation 17 and 17A' respectively, since neither any supporting documents with respect to the Donor Member nor any declaration / affidavit with respect to the non-relationship of the Head Master to any member of the Managing Committee, nor the name of the member nominated by the Board had been included in the documents so furnished; therefore it warranted the formation of an Ad-hoc Managing Committee under 'Regulation 17B' of the Affiliation Bye-laws."

If this is the position, then the ball is in the court of the authorities of the school to comply with the regulation and before that no directive can be issued upon the Examination Board to give any recognition to the managing committee.

Writ application is disposed off with observation and direction as above.

(Ajay Kumar Tripathi, J)

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