

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.114 of 2016

IN

Civil Writ Jurisdiction Case No. 14821 of 2013

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Binoy Kumar Singh @ Binoy Kumar son of Late Satendra Prasanna Singh, resident of Village and P.O. Sumbha Deodhi, P.S. Singhia, District - Samastipur, the Secretary, Managing Committee of Kedar Sanskrit High School, Sumbha Deodhi (Dankghar) Samastipur, at present resident of Plot no. L/41, Road No. 14 Krishna Nagar, Patna, P.S.. - Budha Colony, District - Patna.

.... Appellant

Versus

1. The State of Bihar through the Secretary, Human Resources Development, Government of Bihar, Patna.
2. The Special Director (Secondary Education) Govt. of Bihar, Patna.
3. The Deputy Special Director (Secondary Education) the Department of Human Resources Development, Govt. of Bihar, New Secretariat, Patna - 1.
4. The Chairman, Bihar State Sanskrit Education Board, Patna, Near Rajapur Pool, West Boring Canal Road, Patna.
5. The Secretary, Bihar State Sanskrit Education Board, Patna, Near Rajapur pool, East Boring Canal Road, Patna.
6. The District Education Officer, Samastipur.
7. The then Head Master, Kedar Sanskrit High School, Sumbha Deodhi (Dankghar) Samastipur, P.S.. - Singhia, Distt - Samastipur.
8. The Incharge Head-Master, Kedar Sanskrit High School Sumbha Deodhi (Dankghar) Samastipur, P.S.. - Singhia, District - Samastipur.

.... Respondents

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Appearance:

For the Appellant : Mr. Yogendra Prasad Sinha
Mr. Ankileshwar Kuamr, Advocates.
For the Respondents : Mr. S.D. Yadav, AAG 9

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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: 25-11-2016

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

2. The present Letters Patent Appeal is directed against

an order passed by the learned Single Bench on 21st of August, 2015 in CWJC No. 14821 of 2013, whereby the challenge to the order dated 9th of March, 2011 remained unsuccessful.

3. The petitioner claims to be the Secretary of Kedar Sanskrit High School Sumbha Deodhi (Dank Ghar), Samastipur. The dispute regarding management of the said school was decided by the President of the Bihar Sanskrit Shiksha Board on 3rd of January, 2008 when an ad hoc Committee for managing the school affairs was constituted. The appellant filed an appeal before the Special Director, Secondary Education. Such appeal was dismissed on 9th of March 2011 for the reason that on 17 hearings, counsel for the appellant did not appear. It was found that after filing of the appeal, the appellant has lost interest and was not prosecuting the appeal. The challenge to the said order before the learned Single Bench remained unsuccessful when it was found that the appellant is not interested to pursue his remedy and to assert his right.

4. The grievance of the present appellant in the present writ application is that an application for restoration was filed on 15.06.2013 to recall the order dated 9th of March, 2011. The appellant sought a direction from the learned Single Bench to decide such a restoration application before the Director but without issuing a direction for deciding the restoration application, the learned Single

Bench has dismissed the writ petition itself.

5. We do not find any ground to entertain the present Letters Patent Appeal. The challenge is to the constitution of the ad hoc Managing Committee for managing the schools vide order dated 3rd of January, 2008. The appellant did not appear before the appellate authority on number of occasions and ultimately the appeal was dismissed. But the appellant has taken more than two years for filing an application for restoration. Such restoration application filed after gross delay cannot be directed to be entertained as the affairs of the school could not be kept in limbo for long time.

6. Consequently, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal. The Letters Patent Appeal is accordingly dismissed.

(Hemant Gupta, ACJ)

Chandran/Ibrar

(Vikash Jain, J)

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