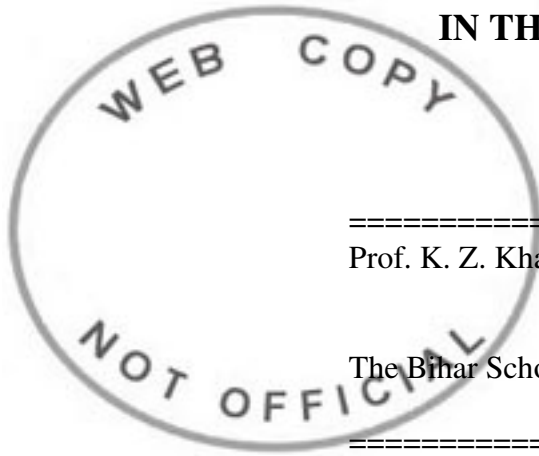




IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1571 of 2016
IN
Civil Writ Jurisdiction Case No. 10300 of 2016**

=====

Prof. K. Z. Khan

.... Appellant/s

Versus

The Bihar School Examination Board & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Basant Kumar Choudhary, Sr. Adv. Mr. Sarvadeo Singh, Adv.
For the Respondent/s	:	Mr. Lalit Kishore, Sr. Adv. Mr. Manish Kumar, Adv.
For Interveners	:	Mr. Rama Shankar Pradhan, Sr. Adv. Mr. Ranjeet Choudhary, Adv. Mr. Jainendra Kumar, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 08-09-2016

I.A. No.6910 of 2016

Heard Mr. Rama Shankar Pradhan, learned Senior
Counsel, appearing on behalf of the intervener respondent.

This interlocutory application has been filed by the
intervener respondent, namely, Naiyar Azam, for impleading him as
respondent No.4, in the present appeal.

Considering the matter in its entirety, it is hereby, in

the interest of justice, directed that the intervener respondent be added as respondent No.4 in the present appeal and the cause title of the appeal be corrected accordingly.

It is further directed that a copy of the appeal, along with annexures thereto, be furnished to the respondent No. 4 by the appellant.

I.A. No.6910 of 2016 stands disposed of.

L.P.A. No.1571 of 2016

Being aggrieved by the order, dated 02.08.2016, passed in C.W.J.C. No.10300 of 2016, this Letters Patent Appeal has been preferred by the writ petitioner.

We have heard Mr. Basant Kumar Choudhary, learned Senior Counsel, appearing on behalf of the appellant, and Mr. Lalit Kishore, learned Senior Counsel, appearing on behalf of the respondent Nos. 1 to 3. Heard also Mr. Rama Shankar Pradhan, learned Senior Counsel, appearing on behalf of the intervener respondent.

The writ petition arose out of an application, made under Articles 226 and 227 of the Constitution of India, seeking a direction to be issued to the Bihar School Examination Board to

issue examination forms to the students of S.M. Zaheer Alam Teachers Training College, Bahera, for the academic session “2014-2016” inasmuch as the same had not been issued.

It needs to be pointed out, at the very outset, that, in the order, dated 04.10.2012, passed in C.W.J.C. No.16119 of 2012, it was observed:

“Petitioner should file civil suit in the competent court of civil jurisdiction for seeking declaration about the genuineness of its Governing Body, if so advised. Meanwhile, respondent no.4 is permitted to operate the account of the Society in the Benipur branch of the Bank but he must maintain the account of the amount withdrawn.”

As the writ petition, which gave rise to C.W.J.C. No.10300 of 2016, was filed by Prof. K.Z. Khan, and not by S. M. Zafar Imam, we are not inclined to interfere with the order, which has been passed on 02.08.2016, except making it clear that it will remain open to S. M. Zafar Imam to apply for issuance of forms aforementioned and, if such an application is made, the respondent Board shall consider and dispose of the same, expeditiously, and ensure that the academic career of the students, who may be

studying in the institution, is not adversely affected.

With the above observations and directions, this writ petition stands disposed of.

(I.A. Ansari,CJ)

(Chakradhari Sharan Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.9.2016
Transmission Date	20.9.2016