

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10366 of 2016

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M. K. College (Muni Lal Karpuri College), Bhutahi, Sitamarhi through its Principal
namely, Ram Sherstha Bhagat, Son of Late Ram Bilash Bhagat, Resident of
Parsawa Mahind, P.S. Sonbarsa, District Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar,
Vikash Bhawan, Patna.
3. The Director, Higher Education, Department of Education, Government of
Bihar, Vikash Bhawan, Patna.
4. The Bihar School Examination Board (Higher Secondary), Bihar, Patna through
its Secretary.
5. The Chairman, Bihar School Examination Board (Higher Secondary), Bihar,
Patna.
6. The Secretary, Bihar School Examination Board (Higher Secondary), Bihar,
Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Arun Kumar Singh, Advocate
For the State	:	Mr. Kaushal Kumar Jha, AAG14
For the Board	:	Mr. Sanjeev Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 24-10-2016

Heard counsel for the petitioner, counsel for the State
and counsel for the Examination Board.

What the Court apprehended or anticipated is what has
emerged from the counter affidavit filed on behalf of the Examination
Board.

The writ application was filed seeking a direction for
release of funds in favour of the college in question, which was not
being done by Bihar School Examination Board. The reason for non-
release is an ongoing war of supremacy between two persons, namely,

Ram Shrestha Bhagat, the petitioner and one Sri Ram Shrestha Raut. There are cases and counter cases before various courts including criminal courts alleging defalcation etc.

Since the Principal of the college in question is also the Secretary of such institution in the ongoing war of attrition, the Examination Board has done no wrong by not releasing funds in favour of either of the two claimants, whoever may be the sufferer.

It is left open for the petitioner either to approach a civil court of competent jurisdiction and get a declaration to settle the dispute among themselves or approach the Examination Board jointly.

This writ application is dismissed with liberty as above.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	25.10.2016
Transmission Date	