

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12891 of 2017

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Kushwaha Balika Uchcha Vidhyalay Station Road, Gulzarbagh, Patna 800007
through its Head Mistress cum Secretary, Manorama Kumari, W/o Dig Vijay
Sharkar, Resident of Mohalla Kazipur quarters area, P.S. Kadamkuan, District-
Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Chairman, Bihar School Examination Board, Budh Marg, Patna.
3. The Director, Secondary Education, Bihar, Patna.
4. The Director (Academic), Bihar School Examination Board, Budh Marg, Patna.
5. The Secretary, Bihar School Examination Board, Budh Marg, Patna.
6. The District Education Officer, Patna.
7. The Neeraj Mehta, Son of late Bhagwat Mehta, Resident of Mohalla- Math Lakshman Pur, P.S. Alamganj, District- Patna, General Secretary Kushwaha Kshatriya Panchit Baithaka samittee, Gulzar Bagh, P.S. Alamganj, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Adv.
For the BSEB : Mr. Ranjit Sinha, Adv.
For the State : Mr. Madhaw Pd. Yadav-GP23

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 12-10-2017

The petitioner in the present application, preferred
under Article 226 of the Constitution of India, seeks quashing of an



order, dated 25.08.2017, issued by the Director (Academic), Bihar School Examination Board, whereby, respondent No. 7 has been asked to convene a meeting of Kushwaha Kshatriya Hitaishi Panchit Baithaka Samiti for the purpose of constitution Managing Committee of Kushwaha Balika Uchcha Vidyalaya, Gulzarbagh, Patna.

2. It is the case of the petitioner that under the Bihar School Examination Board Affiliation (Amended) Regulations, 2013 (*in short ‘the Regulations’*), only the President can initiate the process of constitution of the Governing Body. According to the petitioner, under the Regulations, donor of the institution is to be the President of the Governing Body, rotation wise.

3. Learned counsel, appearing on behalf of the Bihar School Examination Board (*in short ‘Board’*), has, on the other hand, submitted that the petitioner has remedy of approaching the Bihar Anudanit Shikshan Sansthan Pradhikar, under Bihar Anudanit Shikshan Sansthan Pradhikar Nayamawali, 2015, for adjudicating disputes in connection with the affairs of the Managing Committee and other ancillary disputes.

4. I find substance in the submission so made on behalf of the Board. Since the petitioner has alternative statutory remedy which is efficacious, I am not inclined to entertain this application.



5. This application is, accordingly disposed of with an observation that the petitioner shall have the liberty to approach the Tribunal for the reliefs sought for in the present application.

6. If before the Tribunal, any question of limitation arises, the Tribunal shall keep in mind the fact that the petitioner was perusing his remedy before this Court.

7. The application stands disposed of with the observation as above.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.10.2017
Transmission Date	N/A

