

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1646 of 2016**

**Arising out of**

**Civil Writ Jurisdiction Case No. 7315 of 2015**

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Dr. Birendra Kumar Singh, son of late Awadh Bihari Singh, village - Dayalchak,  
P.O. Kotwapati Rampur, P.S. Doriganj, District - Saran at Chapra.

.... .... Appellant/s

Versus

1. Bihar School Examination Board (Senior Secondary), Budha Marg, Patna through its Secretary.
2. The Chairman, Bihar School Examination Board (Senior Secondary) Budha Marg, Patna.
3. The Secretary, Bihar School Examination Board (Senior Secondary) Budha Marg, Patna.
4. The Governing Body of Tapeshwar Singh College, Chapra, through its Secretary.
5. The President, Governing Body of Tapeshwar Singh College, Chapra, District-Saran.
6. Nawal Kishore Singh, father's name not known Lecturer as English, Tapeshwar Singh College, Chapra District- Saran.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Sunil Kumar Singh, Advocate

For the Respondent/s :

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 12-07-2017**

*Inter alia* contending that in violation to the



provisions of Regulation 17 of the Bihar School Examination Board (Senior Secondary) Affiliation Regulation 2013, appellant who was nominated to the Managing Committee as a representative of the teachers by election for a period of three years, his nomination has been cancelled before completion of the term and under the rules there is no provision for curtailment of the term in the manner done, the writ petition has been filed.

2. It was the case of the appellant before us so also before the Writ Court that in the absence of there being any provision in the rule on the basis of the so-called vote of no confidence, the action could not be taken.

3. The learned Writ Court have gone into all these aspects and has decided the issue by so observing :-

“From the counter affidavit filed on behalf of the Examination Board and the private respondent, what emerges is that the teachers of the college in question who formed the electoral college seem to be dissatisfied with the petitioner for many a reason. In fact it is also alleged that some of his conduct is unpardonable in civilized society because he resorted to strong arm tactics and even physical assault to subjugate the teachers of the college in question. Fed up with the behaviour of the petitioner, the teachers decided to elect yet another representative after expressing a vote of no



confidence in the petitioner. It is in this background that Annexure-5 dated 18.08.2015 came to be issued. The notification of the Bihar School Examination Board is basically in furtherance of implementation of the will of the electoral college in question.

No doubt no provision has been made with regard to any vote of no confidence for removal of such representative in the rule/regulation indicated above but the Court comes to a considered opinion that since the petitioner was a product of the decision of the majority of the electoral college, the electoral college inherently does have powers to bring a vote of no confidence if the conduct of their representative is unacceptable to the majority of the teachers. It is integral and inherent to such democratic exercise of making an informed choice. If the majority expressed lack of trust and faith because of the conduct of the petitioner then no rules as such are required for bringing a vote of no confidence and electing another representative.

The tenure of three years is the normal tenure prescribed in terms of the regulation but the said tenure is not sacrosanct and it can be cut short under certain circumstances one of them being a vote of no confidence and a fresh election of a new representative.

In view of the above, Annexure-5 is not required to be interfered with. Writ is



dismissed.”

4. Keeping in view the aforesaid reasons, as indicated by the learned Writ Court in view of the expression of lack of faith and trust on the appellant by the majority, we see no reason to make any indulgence into the matter. The Letters Patent Appeal stands dismissed.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

P.K.P.

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