

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18984 of 2016

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Umesh Chandra Pathak, S/o late Rameshwar Pathak, R/o Village- Amwana
Tejsingh, P.S.-Saraiya, District-Muzaffarpur, at Present Incharge Principal-Cum-
Secretary, Nitihshwar Singh College, Sarmastpur, Piro, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through, Principal Secretary, Human Resources Development
Department, Bihar, Patna.
2. The Secretary, Higher Education, Department, Bihar, Patna.
3. The Bihar School Examination Board, through its Chairman, Budh Marg, Patna.
4. The Secretary, Bihar School Examination Board, Higher Secondary, Budh Marg,
Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kr. Sinha, Adv.
For the State : Mr. Jitendra Kr. Roy-1, SC-13
For the Board : Mr. Ranjit Sinha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT & ORDER

Date: 23-11-2017

Counter affidavit has filed on behalf of respondent

Nos. 3 and 4 in course of the day. Let it be kept on record.

2. By letter, dated 21.10.2016, the Bihar School



Examination Board, Patna (*in short 'the Board'*) had cancelled the affiliation along with the Code of Nitishwar Singh College, Sarmastpur, Muzaffarpur. The said decision, as contained in the letter, dated 21.10.2016, is being impugned in the present writ application.

3. Evidently, the issue relates to the academic session 2014-16 and onwards. It appears that the said decision, as contained in letter, dated 21.10.2016, has been modified subsequently with the issuance of letter No. 3626/16, dated 22.11.2016, by the Board. The decision of cancellation of affiliation of the said school has now been confined to the Commerce stream only. Meaning thereby, the college is having affiliation in other streams, as it was having earlier, except the stream of Commerce.

4. There is no requirement, therefore, of interfering with the impugned order, dated 21.10.2016, as the same has already been modified by subsequent order, dated 22.11.2016. The said decision, dated 22.11.2016, is not under challenge.

5. Be that as it may, the petitioner shall have the liberty to convince the Board about the fulfillment of requisite conditions essential for grant of affiliation, even in Commerce



stream, which shall be considered by the Board for/from the next session.

6. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.11.2017
Transmission Date	N/A

