

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17185 of 2013

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Shyamjee Pandey, S/O Late Dwarikadhish Pandey, resident of Village-Baruna, Post- Gamharia, Police Station- Akori Gola, District- Rohtash.

.... Petitioner

Versus

1. The State of Bihar through Special Director, H. R.D. Department, Government of Bihar, Patna.
2. The Special Director, H.R.D. Department, Government of Bihar, Patna.
3. The Governing Body of Rajeshwari Sanskrit High School, Suryapura, Rohtash through its Secretary having office at Rajeshwari Sanskrit High School, Suryapura, Rohtash.
4. The Bihar Sanskrit Shiksha Board, Patna through its Secretary having office at Boring Canal Road, Patna.
5. Ghanshyam Tiwari, W/O Binay Dutt Tripathi, at present Head Master (In Charge) of Rajeshwari Sanskrit High School, Suryapura, Rohtash.
6. Vinayak Dutt Tripathi, S/O Late Gaya Dutt Tiwari, Retd. Head Master (In Charge) of Rajeshwari Sanskrit High School, Suryapura, Rohtash.

.... Respondents

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Appearance :

For the Petitioner : Mr. Anand Kumar Ojha, Advocate.
For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-11-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The following reliefs have been sought for by the petitioner in the present writ application.

“1. That the petitioner prays for direction of quashing the Letter No. 45 dated 12.12.2011 terminating the petitioner service and the Order dated 26.03.2013 passed in Appeal No. 25/2012 validating both termination and illegal proceedings of the



Governing Body dated 25.11.2011 of Managing Committee and issuance of further declaration that order of respondent no. 2 negating the order of the Chairman of Bihar State Sanskrit Shiksha Board and as such both the order dated 12.12.2011 terminating the petitioner services as well as the order dated 26.03.2013 validating the same are illegal and without jurisdiction. The order passed by the respondent no. 2 dated 26.03.2013 in Appeal No. 25/2012 setting aside the order of the Sanskrit Shiksha Board is illegal on the ground that the Chairman of the Board acted within his jurisdiction in holding the Managing Committee as unapproved, as also the bias and vindictive approach of the Committee towards the petitioner was well founded hence the order of the respondent no. 2 having double edged prejudice is liable to be set aside.”

It is submitted by learned counsel for the petitioner that during pendency of the present writ application, the petitioner had died. No substitution application has been filed on behalf of the petitioner. Hence, for the said reason, no substantive relief can be granted to the petitioner in absence of substitution application. It is further submitted that the file of the present writ application has been taken away by the petitioner and he is not in a position to assist this Court.

Considering the aforesaid facts and circumstance, no



substantive relief can be granted to the petitioner.

Accordingly, the present writ application stands dismissed.

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(Sudhir Singh, J)

