

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1345 of 2015

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Vakil Prasad Son of Musafir Prasad, resident of Village- Naiwan, P.S. -
Ekangarsarai, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar
2. The Special Director, Education Department, Patna.
3. The Chairman, Bihar Shanskrit Siksha Board, Boring Canal Road, Patna.
4. The Managing Committee of Ramashray Singh, Shanskrit Primary School Madhay Vidyalay, Naiwan.
5. The Secretary , Ramashary Singh, Shanskrit Prathmik Sah Middle School Naiwan Modanganj, District- Jehanabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar
For the Respondent/s : Mr. AC to GP-14

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 06-02-2017 Heard Sri Suraj Narayan Yadav, learned counsel,

assisted by Sri Upendra Kumar, learned counsel for the petitioner,

learned AC to GP-14 as well as Sri S.S.Sundaram, learned counsel

for the Respondent/Bihar Sanskrit Shiksha Board.

The petitioner claiming to be a teacher in a school
being managed by the private Managing Committee has
approached this Court, invoking its inherent jurisdiction under
Article-226 of the Constitution of India, with a prayer to quash an
order dated 08.09.2014 passed in Appeal No.01/2014 by the
Special Director, Secondary Education , Patna. By the said order,
the appeal preferred by the petitioner against the order of the



Respondent no.3 i.e. Chairman, Bihar Sanskrit Shiksha Board, Patna was rejected. The petitioner has also prayed for quashing of an order dated 07.10.2013 passed by the Chairman, Bihar Sanskrit Shiksha Board, Patna, whereby the claim of the petitioner to declare appointment of the petitioner on the post of teacher as valid was rejected.

It was submitted by learned counsel for the petitioner that the petitioner was appointed in Ramashray Singh Sanskrit Primary School on 30.12.1993. It has been claimed that the petitioner was appointed on the sanctioned post. Since, no benefit is given to the petitioner, the petitioner approached the Chairman, Bihar Sanskrit Shiksha Board, which was rejected by the impugned order. It was argued by learned counsel for the petitioner that in the proceeding before the Chairman, the Incharge Principal had appeared and without any document on behalf of the School, it was intimated that the petitioner was not appointed against sanction post. Learned counsel for the petitioner submits that without any record, such submission was made and it has been accepted and , as such, both orders passed by the Chairman of Bihar Sanskrit Shiksha Board as well as the Special Director, contained in Annexures -3 and 4 respectively are liable to be set aside.



However, after going the material available on record, particularly the impugned orders, it is evident that the appointment of the petitioner was considered by both authorities as illegal and that too against unsanctioned vacancy. It is also not in dispute that the school in question was being managed by the private Managing Committee. After examining the impugned order, it is evident that no error has been committed by the authorities.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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