

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14528 of 2016

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Ashok Sharma, Son of Indrajeet Sharma, R/o Village + P.O. Ghosiakala, P.S.
Bikramganj, District Rohtas at Sasaram

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education, Govt. of Bihar, Patna
3. The Director, Secretary Education Govt. of Bihar, Patna
4. Bihar School Examination Board (Senior Secondary), Buddha Marg, Patna
through its Secretary
5. The Chairman, Bihar School Examination Board (Senior Secondary), Buddha
Marg, Patna
6. The Secretary, Bihar School Examination Board (Senior Secondary), Buddha
Marg, Patna

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Sunil Kumar Singh, Advocate
For the State : Mr. Ashutosh Ranjan Pandey, AAG-15
For the Board : Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 20-03-2017

Heard Mr. Sunil Kumar Singh, learned counsel
appearing on behalf of the petitioner, Mr. Ashutosh Ranjan Pandey,
learned counsel appearing on behalf of the State and Mr. Manish



Kumar, learned counsel appearing on behalf of the Bihar School Examination Board.

2. Petitioner has filed this writ petition *pro bono* seeking a direction to the Bihar School Examination Board (Respondent No. 4) to conduct inspection/inquiry of Intermediate College and +2 High Schools of Bihar by deputing appropriate Inspection Committee and thereafter based on the report of inspection take action for cancelling their affiliation in case illegalities have been found and the affiliation granted is found to be contrary to the Bihar School Examination Board (Senior Secondary) Affiliation Regulation, 2013 and the Bihar Intermediate Education Council Rule, 1994.

3. On notice being issued, the Bihar School Examination Board has filed counter affidavit and in Paragraphs 4, 8, 11 and 12 of the aforesaid affidavit, the following assertions are made by the Board:-

“4. That at the outset it is respectfully submitted that the Board on receipt of allegation of grant of affiliation on obnoxious consideration by the erstwhile Chairman took decision to enquire into the infrastructural and other facilities of 213 newly affiliated Intermediate/+2 High School and after thorough enquiry with the help of district administration till date has arrived at a finding that approximately 77 out of 213 Intermediate/+2 High School are not worthy to be granted affiliation and accordingly the Board decided to disaffiliate the unworthy Intermediate/+2 High Schools.



8. That the Board is conscious of the fact that in the past many institution got affiliation without strict scrutiny of infrastructural and other facilities and many institutions fulfilling all the conditions for affiliation at the relevant time over the years did not maintain the said standard and there is downfall in the infrastructural and other facilities required for maintaining the standard prescribed under the Regulation and as such the Board is required to inspect all the Intermediate College/+2 High School so that the Board may ensure that all the affiliated institution satisfied the standard prescribed to imparting Intermediate/+2 High School academic and vocational standard.

11. That the Board would thereafter take up the matter of inspection of the Intermediate Colleges and +2 Schools including upgraded Schools with the help of district administration. It is needless to state here that the special inspection unit which is in contemplation once set up it would be easy for the Board to undertake regular inspection of all Intermediate and +2 High Schools and weed out bogus institutions.

12. That it may not be out of place to mention here that the Board would inspect those institutions on priority basis against whom there is allegation/report of shortcoming of Infrastructural and teaching facilities as it is not feasible with limited manpower to simultaneously inspect 1406 Intermediate Colleges and 165 High Secondary +2 Schools as per the averments made in the writ application as contained in Annexure-1 and 2.”

4. From the aforesaid, it is clear that finding that there is some substance and merit in the allegations made by the petitioner, inspection has been conducted in 213 affiliated Intermediate and +2



High Schools and in approximately 77 cases, the affiliation has been cancelled and with regard to the remaining schools, the inspection and enquiry process is going on. Thereafter, in Paragraphs 11 and 12 further action to be taken with respect to 1406 Intermediate Colleges and 165 Higher Secondary and +2 Schools are indicated and it is pointed out that due to shortage of man power and the examinations which were going on, the inspection could not be conducted. However, from the averments made by the respondents in the counter affidavit, as is indicated herein above, it is clear that there are illegalities and irregularities in functioning of the affiliated institutes and the Board is taking action for the same.

5. We direct the Board to continue to take action as has been indicated in their counter affidavit and complete the same within a period of six months and take such steps as are permissible under law for cancelling the affiliation of all such institutes which are not fulfilling the statutory requirement and are functioning without fulfilling the statutory requirement. We expect the Board to take action within a period of six months and thereafter in case petitioner has any grievance still subsisting, the petitioner shall have liberty to bring to the notice of this Court the illegalities still existing thereafter. The State Government is also directed to cooperate and expedite such process as are necessary for regularizing the affiliation of institutes as



may be requires by the Examination Board from time to time.

6. With the aforesaid directions, the writ petition is disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	20.03.2017
Transmission Date	

