

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.503 of 2016

IN

LPA 1199 of 2016

- =====
1. The Governing Body as Well as the Managing Committee constituted by notification dated 12.01.2015 of Udai Narayan Sharma Saryuga Kuwer and Radha Ballabh Prasad College, Siswa Patna, Block Kalyanpur, District East Champaran through its Chairman, namely, Satish Chandra.
 2. Satish Chandra @ Satish Chandra Gautam @ Chandan Singh Son of Subhash Prasad Singh resident of Siswa Patna, Block Kalyanpur, P.S. Kesaria, District - East Champaran
- Petitioners

Versus

1. Udai Narayan Sharma Son of late Ram Narayan Singh resident of Village - Darmaha, Tola Katharia, P.O. Darmaha, P.S. - Kesaria, District - East Champaran.
2. Dwand Bahadur Singh Son of Late Bhikham Singh Resident of Village + P.O. - Siswa Patna, P.S. - Kesaria, District - East Champaran.
3. Bihar School Examination Board (Senior Secondary) through its Secretary, Buddha Marg, Patna.
4. The Chairman, Bihar School Examination Board (Senior Secondary), Buddha Marg, Patna.
5. The Secretary, Bihar School Examination Board (Senior Secondary), Buddha Marg, Patna.
6. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
7. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
8. The District Magistrate, East Champaran.
9. The District Education Officer, East Champaran.
10. The Sub-Divisional Officer, Chakia East Champaran.
11. Ram Naresh Prasad Singh Son of Late Sitaram Singh resident of village + PO Siswa Kharar, Block - Kalyanpur, P.S. - Kalyanpur, District - East Champaran , Principal (disputed) Udai Narayan Sharma, Saryuga Kuwer and Radha Ballabh Prasad Singh College, Siswan Patna, Block - Kalyanpur, District - East Champaran.
12. Bipin Bihari Prasad Sinha Son of late Jangi Singh Resident of Village + P.O. - Konhiya, Via - Rajpur, District - East Champaran, Convener of the then Ad-hoc Governing Body of Udai Narayan Sharma Saryuga Kuwer and Radha Ballabh Prasad Singh College, Siswa, Block - Kalyanpur, District - East Champaran.

.... Respondents

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Appearance :

For the Petitioners : Mr. Maruth Nath Roy, advocate

For the Respondents : Mr. Ashutosh Ranjan Pandey (AAG 15)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

and

HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH)



Date: 28-04-2017

The writ petitioner, being aggrieved by the constitution of a regular managing committee vide notification dated 15.1.2015, issued under the signature of the Secretary, Bihar School Examination Board (Senior Secondary), moved this Court in the writ jurisdiction. Learned Single judge, noticing that the matter involved complicated question of facts, referred the matter to the Regional Deputy Director (in short 'the R.D.D.'), Muzaffarpur under the Bihar State School Teachers and Employees Disputes Redressal Rule, 2015 (in short the Rules).

2. Being aggrieved, the writ petitioner filed LPA No. 1199 of 2016 on the ground that Regional Deputy Director, Education (R.D.D.E) would be no authority to decide the *inter se* disputes with constitution of governing bodies. The LPA court vide order, dated 24.8.2016, noticed that the Rules do not vest power with any authority to hear appeals or decide *inter se* disputes between the two rival managements of a Plus 2 aided schools. Further, Rules 2015 do not authorize the R.D.D.E. to consider complaint against an order of the Board constituting the Governing Body.

3. Accordingly, the Division bench set aside order dated 3.3.2016, passed by the learned Single judge in C.W.J.C.No. 4910 of 2015 and remitted the matter to the Board for fresh consideration



after taking into account all relevant facts and after giving due hearing to all the parties concerned. The review petitioner moved the Hon'ble Apex Court on the ground that the order under review was passed by the Division bench without noticing or hearing them. SLP was disposed of with the following observations:-

“Learned counsel for the petitioners says that they were not heard by the High Court when the impugned judgment and order was passed. He seeks leave to withdraw the special leave petition with liberty to file an appropriate application before the High Court for recalling its order and hearing the petition.

Leave and liberty granted.

The special leave petition is dismissed as withdrawn.”

4. In view of the liberty granted by the Hon'ble Apex Court, the review petitioners have filed the instant application.

5. We have heard the review petitioners, the writ petitioner as well as the State.

6. The review petitioners submits that as per notification no. 972, dated 19.5.2015 of the Department of Education, Government of Bihar, the State Appellate Tribunal has been constituted for hearing the *inter se* dispute regarding the constitution of the governing body. However, we find that in spite of the notification, issued in May, 2015, the said Appellate Tribunal has not been constituted as yet. The matter was adjourned on 30.3.2017 on



request of learned State that the Tribunal would be constituted shortly. Today, when the case was taken up, the State counsel filed IA No. 3308 of 2017 praying for further four weeks' time for processing the appointment of Chairman (Judicial) and Administrative member and to make the Tribunal (Anudanit Shikshan Sansthan Pradhikar) functional.

7. Since the dispute with regard to *inter se* governing body is pending since last nine months, we are not inclined to grant any further time in the matter. As directed earlier by the Division bench on 24.8.2016 in LPA no. 1199 of 2016, the Bihar School Examination Board which had constituted the governing body would dispose of the dispute expeditiously, after providing due opportunity to both the parties.

(Samarendra Pratap Singh, J)

(Arun Kumar, J)

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