

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14830 of 2016

=====

Baleshwar Mandal, son of late Baji Lal Mandal, Resident of Karahiya, Police Station-Kishanpur, District-Supaul, Ex-Mukhiya of Karahiya Gram Panchayat and Ex-Chairman of Adhoc Managing Committee of Sahu Sanskrit Primary-cum-Middle School Karahiya, Ratauli, P.S. Kishanpur, District-Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariate, Patna
2. The Special Director, Secondary Education (Sanskrit), Education Department, Government of Bihar, New Secretariate, Patna
3. The Joint Director, Secondary Education, at Intermediate Council East of Planetarium, Budha Marg, Patna
4. Bihar Sanskrit Shiksha Board, Patna, Harding Road, House No. 17, near Chitkohara Pool, Patna through its secretary.
5. The Chairman, Bihar Sanskrit Shiksha Board, Patna, Harding Road, House No. 17, near Chitkohara Pool, Patna
6. The Secretary, Bihar Sanskrit Shiksha Board, Patna Harding Road, House No. 17, near Chitkohara Pool, Patna
7. The District Education Officer, Supaul.
8. The Managing Committee of Sahu Sanskrit Primary-cum- Middle School Karahiya, Ratauli, P. S. Kishanpur, District Supaul.
9. Ram Nandan Sah at present Secretary of Managing Committee of Sahu Sanskrit Primary-cum-Middle School Karahiya, Ratauli, P. S. Kishanpur, District Supaul
10. Shiv Shankar Sahu, son of late Dukha Sah, Resident of Village Ratauli, P. S. Pipra, District Supaul at present Suspended Head Master of Sahu Sanskrit Primary cum Middle School, Karahiya, Ratauli, P. S. Kishanpur, District- Supaul.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Surya Kant Mishra

For the Respondent/s : Mr. Kameshwar Kumar-Gp17

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

6 18-08-2017 The petitioner is aggrieved by an order, dated 30.05.2016, passed by the Jointer Director (Secondary Education) in Appeal No 42 of 2015, preferred by the petitioner against an order dated 31.08.2015 issued under



the signature of the Secretary, Bihar Sanskrit Shiksha Board, Patna (hereinafter referred to as the Board), whereby his said appeal has been rejected on the ground that the petitioner did not have the *locus standi* to maintain the appeal.

2. Certain facts are not in dispute.

3. In the absence of regular Managing Committee of Sahu Sanskrit Primary-cum-Middle School Karahiya, Ratauli, Supaul, an Adhoc Committee was constituted by the Board under the Chairmanship of the petitioner for a period of six months, through Memo No. 439, dated 12.11.2014. The term of the Adhoc Committee with lapse of six months expired on 11.05.2015. Thereafter a regular Committee came to be constituted with issuance of office order, dated 31.08.2015 (Annexure-7), issued under the signature of the Secretary of Board, which the petitioner assailed in the said statutory Appeal No. 42 of 2015.

4. Learned counsel appearing on behalf of the petitioner has made two submissions. He has submitted that the petitioner being Chairman of the Adhoc Managing Committee had ordered for certain action against the Headmaster of the said School, i.e. Sahu Sanskrit Primary-cum-Middle School Karahiya, Ratauli, Supaul and, therefore, even after expiry of his term as Chairman of the Adhoc Managing Committee, he cannot be said to be not an



aggrieved person because of illegal constitution of the Managing Committee by the Board with the issuance of office order, dated 31.08.2015. He has secondly submitted that constitution of proper Managing Committee for any School imparting education is a matter of public interest and any person can raise plea against constitution of such Managing Committee, if it is completely illegal and against public interest. He has submitted, referring to Annexure-7 that the members of Managing Committee so constituted belong to the same family. In addition, he has contended that power of constitution of the Managing committee rests with the Board and there is no decision of the Board to constitute the said Managing Committee. According to him, the Managing Committee has been constituted by the Chairman of the Board and not by the Board.

5. I have heard learned counsel for the petitioner, the Board, State of Bihar and learned counsel representing the private respondents, who constitute the newly constituted Managing Committee.

6. There does not appear to be much dispute over the fact that many of the members of the Managing Committee are closely related and come from the same family. This is also not in dispute that the School receives grants from the State of Bihar.



7. In such situation, the Managing Committee cannot be allowed to be turned into a pocket organization of a family. In that background, it cannot be said that the petitioner did not have any *locus standi* at all to question the legality of constitution of the Managing Committee as done with the issuance of the office order, dated 31.08.2015 (Annexure-7).

8. The impugned order, dated 30.05.2016 is, accordingly, quashed. The matter is remanded back to the Joint Director (Secondary Education) to hear the said Appeal No. 42 of 2015 and pass an order afresh on merits of the plea taken by the appellant in the said order. Such order must be reasoned and passed within a period of two months from the date of receipt/production of a copy of this order.

9. For the said purpose, the Joint Director (Secondary Education) is directed to fix first date of hearing of the appeal as 31st August, 2017, on which date the parties shall be required to file their attendance before the Joint Director (Secondary Education) to avoid the requirement of issuance of notices to the parties and to this expedite disposal of appeal on remand.

10. This application is, accordingly, allowed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--

