

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15070 of 2015

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1. Binod Bihari Singh S/o Late Rameshwar Prasad Singh R/o Vill-Machhargauwa, P.S. Yogapatti, Dist West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary.
2. The Principal Secretary, Department of Human Resources, Govt. of Bihar
3. The Secretary, Bihar School Examination Board, Patna.
4. The District Magistrate, West Champaran.
5. The District Education Officer, West Champaran.
6. The Managing Committee through its Chairman, Adarsh High School, Machhargauwa, P.S. Yogapatti, Dist- West Champaran.
7. Sailendra Kumar Singh, Secretary, Adarsh High School, Machhargauwa, P.S. Yogapatti, Dist- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma

For the Respondent/s : Mr. Sanjay Pandey- Gp21

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 10-05-2017 The petitioner seeks direction commanding the respondents to take steps for re-constitution of the Management Committee of Adarsh High School, Machhargawa, Police Station Yogapatti, in the district of West Champaran.

The petitioner claims to be donor inasmuch as he is said to have executed a gift deed in favour of State of Bihar for the said Adarsh High School, Machhargawa and, therefore, should be included in the Managing Committee of said Adarsh High School, Machhargawa.



A counter affidavit has been filed on behalf of the State of Bihar. It has been stated in paragraph 7 of the said counter affidavit that two gift deeds, in favour of the Governor of Bihar, have been executed; one by the writ petitioner on 19.10.1982, and the other by one Rabindra Nath Singh on 13.12.1982, in relation to the same piece of land. The said Rabindra Nath Singh, according to the counter affidavit, is functioning as Secretary of the said School.

Learned Counsel appearing on behalf of the petitioner has submitted that there is no civil suit pending, as has been stated in paragraph 7 of the counter affidavit. He has also submitted that said Rabindra Nath Singh is no more alive and in his place, one Shailendra Kumar Singh is functioning as Secretary of the said School.

Be that as it may. Since no reply to the counter affidavit has been filed on behalf of the petitioner, such facts cannot be gone into.

In my opinion, since this case involves disputed questions of fact, no effective order can be made in the writ proceedings.

Learned Counsel appearing on behalf of the petitioner has also submitted that the State should take steps for constitution of Managing Committee in accordance



with the statutory rules.

It goes without saying.

The State-respondents are obliged to follow the statutory provisions in accordance with law.

The State-respondents are directed to find out the civil suit said to be pending, as stated in paragraph 7 of the counter affidavit. If no such suit is pending, the Court expects that the authority will proceed in the matter of constitution of Managing Committee of the said School in accordance with law.

This disposes of the writ application.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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