

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1075 of 2016

Sudha Rani Srivastava, Wife of Sri Hariwansh Sahay, resident of Village and Post Office- Sonbarsa, P.S.- Nawanagar, District- Buxar, Presently working as In-Charge Head Mistress, Kanya Uchcha Vidyalaya, Sonbarsa, Buxar.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resource Department, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Principle Secretary, Welfare Department, Government of Bihar, Patna.
5. The District Magistrate, Buxar.
6. The District Program Officer, Buxar.
7. The District Welfare Officer, Buxar.
8. The District Education Officer, Buxar.
9. The Secretary Bihar School Examination Board, Patna.
10. The Senior Manager, Madhya Gramin Bank, Sonbarsa, Buxar.
11. Sri Surendra Tiwary, Headmaster-cum-Member Secretary, Kanya Uchcha Vidyalaya, Sonbarsa, Buxar.
12. Sri Madan Mohan Pandey, School Teacher representative, Kanya Uchcha Vidyalaya, Sonbarsa.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 10938 of 2015

Sheo Narayan Ram S/o Late Daroga Ram Resident of village & P.O. Sonevarsha P.S. Nawanagar, District - Buxar and at Present Chairman of the Managing Committee of Kanya Uchcha Vidyalaya, Sone Warsha, Buxar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Department, Bihar, Patna
2. The Principal Secretary, Human Resource Department, Bihar, Patna
3. The Director, Higher Education, Government of Bihar, Patna
4. The District Magistrate, Buxar, Bihar
5. The District Programme officer, Buxar
6. The District Education officer, Buxar, Bihar
7. The Secretary, Bihar School Examination Board, Patna, Bihar



8. Sri Surendra Tiwary, Headmaster Cum Member Secretary, Kanya Uccha Vidyalaya. Sone Warsha
9. Sri Madan Mohan Pandey, School Teacher representative, Kanya Uccha Vidyalaya. Sone Warsha

.... Respondent/s

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Appearance :

(In LPA No.1075 of 2016)

For the Appellant/s : Mr. Bipin Kumar Sinha, Advocate

For the Bank : Mr. Sarvadeo Singh, Advocate

For the State : Mr. Lalan Kumar, AC to GP-9

For respondent No. 11 : Mr. Bipin Bihari Singh, Advocate

(In CWJC No.10938 of 2015)

For the Petitioner/s : Mr. Bipin Kumar Sinha, Advocate

For the Bank : Mr. Mahesh Narain Parbat, Sr. Advocate

Mr. Ved Prakash Srivastava, Advocate

For the State : Mr. Binay Kumar, Advocate

For the BSEB : Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 18-10-2017

Seeking exception to an order dated 07.04.2016 passed by the Writ Court in Civil Writ Jurisdiction Case No. 18639 of 2015, this appeal has been filed under Clause-10 of the Letters Patent.

The appellants who are in-charge, Head Mistress and Chairman of Kanya Uchcha Vidyalaya, Sonbarsa, Buxar challenge the constitution of a Committee to manage the affairs of the school in question and feel aggrieved by non-consideration of objection by the Secretary, Bihar School Examination Board.



Even though, learned Writ Court has not interfered into the matter, we find that apart from the fact that appellants have challenged the order, now after constitution of the *Bihar Anudanit Shikshan Sansthan Pradhikar*, learned counsel for the appellants submits that the Secretary, Bihar School Examination Board, has decided the objection of the appellants without granting opportunity, behind their back.

Taking note of all the circumstances, interest of justice would be met in case, Secretary, Bihar School Examination Board is directed to decide the representation of the appellants, afresh, in accordance with law.

Keeping in view the aforesaid, the Secretary, Bihar School Examination Board, on the appellants filing a certified copy of the order along with copy of the representation and serving the same on the members of the opposite parties, after hearing all concerned, shall consider the objection of the appellants and decide the question of constitution of the Managing Committee of the Institute in question, in accordance with law, by speaking order. Needless to emphasize that Secretary, Bihar School Examination Board shall not influence by any observation made by the learned Writ Court on 07.04.2016 in C.W.J.C. No. 18639 of 2015 or disposal of this L.P.A and decide the issue independently, based on the



materials come before the Secretary after hearing all concerned within a period of one month from the date of filing of the representation before him.

With the aforesaid, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01/11/2017
Transmission Date	NA

