

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19992 of 2016

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1. The Managing Committee Of Rashtriya Kisan College, Maulviganj Pauthu, P.S. Pauthu, District- Aurangabad through its Secretary Smt. Sumitra Devi, W/o Ram Naresh Singh R/o Village Bhakharna, P.S Daudnagar, District Aurangabad.
 2. Ram Naresh Singh S/o Balkrishna Singh Principal, Rashtriya Kisan College, Maulviganj, Pauthu, P.S. Pauthu District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Bihar School Examination Board(Higher Education) through its Secretary, Bihar School Examination Board, Budh Marg, Patna.
3. The Secretary, Bihar School Examination Board, Bihar, Patna.
4. The District Education Officer, Aurangabad.
5. Rajendra Yadav S/o late Ramrup Yadav R/o Village Uchalal Bigha, P.S Daudnagar, District Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Respondent/s : Mr. KAMESHWAR KUMAR- GP17

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-12-2017 Heard learned Counsel for the parties concerned.

The petitioner no. 2 claims to be the Principal of Rashtriya Kisan College, Maulviganj Pauthu, Aurangabad. There is apparent dispute between him and respondent no. 5 for the post of Principal of the said college. It is being claimed that the college is affiliated to Bihar School Examination Board.

Learned Counsel for the petitioner has drawn my attention to a decision of the Bihar School Examination Board, dated 05.10.2015, brought on record by way of Annexure-13 to this writ application, to demonstrate that at the time of submission of



examination forms for 12th examination of the students of the college, a dispute had arisen and the Bihar School Examination Board had taken cognizance of said dispute. It is the case of the petitioner that so far the dispute has not been resolved.

In the background of the above facts, the petitioner has sought for the following relief:

“(i) For issuance of an appropriate writ commanding the respondents Bihar School Examination Board to constitute special inquiry committee to resolve the dispute of the petitioner’s college in terms of their own resolution, dated 05.10.2015.”

A counter affidavit has been filed on behalf of the respondents-Bihar School Examination Board, bringing to the notice of this Court the controversies about the college in question. Following is the statement made in paragraph 6 of the said counter affidavit.

“ That in the present context, it is stated before the Hon’ble Court that the petitioner’s college has a controversial ground inasmuch as initially recognition had been given to Rashtriya Kisan College, Pauthu, Maulviganj, Aurangabad, by the then Bihar Intermediate Education Council, Patna, but the said College had subsequently been



shifted to Daudnagar, Aurangabad, without any permission from either the Intermediate Education Council or the Bihar School Examination Board, Patna and again information is regarding shifting of the College at Pauthu, Maulviganj, Irshadbigh. Thus it is apparent that the College has not any definite location which is evident from order dated 25/07/2013 (Annexure-10 to the writ petition) passed by the Board in furtherance to the order dated 20/02/2013 (Annexure-9) passed by the Hon'ble Court in CWJC No. 18623 of 2012.”

On perusal of the counter affidavit filed on behalf of the Bihar School Examination Board, the Court notices that there are various issues involving seriously disputing questions of fact, which cannot be gone into in the present proceeding under Article 226 of the Constitution of India.

The petitioner shall be at liberty to seek his remedy before appropriate forum for resolution of the dispute, including by way of filing a suit, if so advised.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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