

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13735 of 2017

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Janta Uchh Vidhyala Bhaluhar Chaugain Bankerbazar, Gaya through its-
Principal Pratima Kumari Daughter of Ram Krishan Prasad R/o Village-
Bhaluhar, P.O.- Bhaluhar Chaugain, P.S.- Roshanganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Additional Collector, Gaya.
5. The District Education Officer, Gaya.
6. The Bihar School Examination Board, Patna through its Chairman, Patna.
7. The Chairman, Bihar School Examination Board, Patna.
8. The Secretary, Bihar School Examination Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shama sinha
For the Respondent/s : Mr. PRABHAKAR JHA-GP27

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-10-2017 Heard learned counsel for the petitioner.

2. Learned counsel for the petitioner has submitted that this case is squarely covered by the decision of this Court in case of *Uchatar Madhyamik School (+2) and others vs. State of Bihar and others* passed in *CWJC No. 1366 of 2017 dated 24.08.2017*. She submits that there is additional ground to assail the impugned decision of the Bihar School Examination Board (hereinafter referred to as the Board) to cancel the affiliation of the School, which is a government-aided private School up to Secondary Level and it has been upgraded to Senior Secondary



Level,, that prior to cancellation of affiliation, no show cause notice at all was given to the petitioner.

3. I find substance in the submission made on behalf of the petitioner that the present case is squarely covered by the decision of this Court in case of *Uchatar Madhyamik School (+2) and others* (supra).

4. The impugned decision of the Board stands set aside. The decision rendered in case of *Uchatar Madhyamik School* (supra) shall govern the fate of the decision of the Board, which is being assailed in the present case.

5. It is indicated that no decision can be taken by the Board adverse to the interest of the Institution without giving the Institution a due opportunity of hearing.

6. This application stands allowed.

(Chakradhari Sharan Singh, J)

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