

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8997 of 2016

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Prof. Hari Narayan Yadav, Son of Deonandan Yadav, Resident of Village-
Majhaura PS Laukaha, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. Director, Higher Education, Government of Bihar, Patna.
4. Chairman, Bihar School Examination Board (Sr. Secondary), Budh Marg, Patna.
5. Secretary, Bihar School Examination Board (Sr. Secondary) Budh Marg, Patna.
6. Deputy Secretary, Bihar School Examination Board (Sr. Secondary), Budh Marg Patna.
7. Sub-Divisional Officer, Phulparas Motihari-cum-Coordinator, Adhoc Committee, Janta College, Laukaha, Madhubani.
8. Kripa Nath Pathak, Son of late Mohanthi Pathak, resident of Village- Mansaur, P.S. Laukahi, District Madhubani, the President, Governing Body of the Janta College, Laukaha, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Rajesh Kumar, Adv.

For the BSEB : Mr. Ajay Behari Sinha, Adv.

For the Respondent No.8 : Mr. Sunil Kr. Singh, Adv.

For the State : Mr. Pankaj Kr. Singh, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 30-10-2017

The petitioner is aggrieved by constitution of the



Governing Body and the Managing Committee of Janta Mahavidyalaya, Laukaha, Madhubani, which is affiliated to the Bihar School Examination Board. From the pleadings on record it appears that a dispute has been raised with respect to inclusion of respondent No. 8 as donor member in the said Governing Body and the Managing Committee.

2. Learned counsel, appearing on behalf of respondent No. 8, has submitted that this application has become infructuous inasmuch as the said Governing Body was constituted for a period of three years, which period expired on 16.10.2017.

3. On behalf of the State-respondents, a plea has been taken that the dispute of the nature, as raised in the present application, can be raised before Bihar Aided Teaching Educational Tribunal, which has been made functional with the issuance of a notification, dated 08.09.2017, whereby, the Chairperson of the State Appellate Authority has been authorized to discharge the functions of Bihar Aided Teaching Educational Tribunal, in addition to the responsibility already assigned to him.

4. Mr. Ramakant Sharma, learned Senior Counsel, appearing on behalf of the petitioner, has submitted that it is true that the Governing Body and the Managing Committee, constituted on 17.08.2014, have outlived its term, but at the same time, he



contends that the dispute as to whether respondent No. 8 is a donor member of the college or not, still survives.

5. In view of what has been submitted on behalf of the parties, this application is disposed of with an observation that the petitioner shall be at liberty to raise the dispute, as raised in the present proceeding against respondent No. 8, before Bihar Aided Teaching Educational Tribunal, in view of the stand taken on behalf of the State of Bihar.

6. If the petitioner files any application before the Tribunal in this regard, the Court expects that the same shall be considered and finally adjudicated upon within a period of six (6) months from the date of filing of such application. It is made clear that if the petitioner finds the Tribunal not functional, he shall be at liberty to approach this Court with the said grievance.

7. The application stands disposed of accordingly.

8. The interim order stands vacated.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02/11/2017
Transmission Date	N/A

