

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.769 of 2016

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Dr. Kamini Kumari, wife of Sri Jang Bahadur Kunwar, resident of Village & Post-Pidhouilly, P.S.-Teghra, District-Begusarai

.... Appellant/s

Versus

1. Arvind Kumar, son of Dani Singh, resident of Village-Pattal Bigha, P.S.-Hisua, District-Nawada, presently working as Incharge Principal, Bhag Narayan Kanya Mahavidyalaya, Barauni, Begusarai, Police Station-Teghra, District-Begusarai
2. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Director, Secondary Education, Department of Education, Government of Bihar, Patna
4. The Regional Deputy Director of Education, Munger Division, Munger
5. The District Education Officer, Begusarai
6. The Bihar School Examination Board, Patna(Senior Secondary) Buddha Marg, Patna through its Secretary, Bihar, Patna.
7. The Secretary, Bihar School Examination Board, Patna (Senior Secondary) Buddha Marg, Patna

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-07-2017

Re:-Interlocutory Application No. 4862 of 2017

The applicant in the Interlocutory Application
cannot be added as a party at this stage as he had not filed the original



writ petition and was not a party in the original writ petition.

That being so, the Interlocutor Application is disposed of with liberty to the applicant to ventilate his grievance independently, in accordance with law.

Letters Patent Appeal No. 769 of 2016

Seeking exception to an order dated 15.03.2016 passed by the Writ Court in C.W.J.C. No. 905 of 2016, this appeal has been filed under Clause-X of the Letters Patent.

Mr. Arvind Kumar, respondent No. 1 herein filed the writ petition and challenged Annexure-29 dated 21.11.2015 passed by the District Education Officer, Begusarai. Records indicate that on 15.03.2016, the Court had summoned the District Education Officer, Begusarai. The said officer appeared in person before the Court and tendered unqualified apology to the Court and stated that he has passed the order contrary to the rules and statutes and therefore, taking note of the same and the admission made by the District Education Officer, the order was quashed based on the statement of the District Education Officer, Begusarai.

Now, respondent No. 7, Dr. Kamini Kumari is appellant before us and states that the District Education Officer, Begusarai made a wrong statement and the order was rightly passed and it is based on certain other directions issued.



If that be so, Dr. Kamini Kumari may take up the issue with the authority of the State Government and thereafter ventilate her grievance, in accordance with law. Once the author of the impugned order that was challenged in C.W.J.C. No. 905 of 2016 appeared before the Court and stated that he has passed a wrong order and again for its recall, we see no reason to make any indulgence into the matter. The appellant herein is free to take up the issue with the higher authority of the State Government and seek redressal of her grievance, in accordance with law. Now in the facts and circumstances of the case, we are not inclined to go into the matter in this appeal.

As far as dispute between the rival Managing Committee are concerned, learned Writ Court has left it to the authorities to agitate the matter before the Civil Court and in doing so, no error has been committed. Finally, the Writ Court has found that intermediate college teachers cannot use the prefix 'professor' before their names for the simple reason that intermediate college is nothing but a school imparting education under the 10+2 system of education. They are not affiliated to any University and therefore, they cannot use prefix 'professor' against their names. That being so, the order passed by the Writ Court does not call for any interference, except for granting liberty to the appellant Dr. Kamini Kumari to take up the



issue with regard to her grievance about the act of the District Education Officer, Begusarai before the appropriate authority.

With the aforesaid, the application stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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