

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12299 of 2017

Along with
Interlocutory Application No. 7680 of 2017
And
Interlocutory Application No. 7679 of 2017

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Dr. Shyam Kishore Prasad, Son of late Jib Lal Prasad, Resident of Village/Mohalla-Bidya Nagar, Gopal Bad Road, P.O. +P.S.- Barbiga, District- Sheikhpura, At Present posted as Lecturer (Botany), Rajeshwar Lal College (Inter Part), Ali Nagar, Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The District Magistrate, Biharsharif, Nalanda.
3. The Chairman, Bihar School Examination Board (Higher Secondary), (In short BSEB), Budh Marg, Patna.
4. The Secretary, Bihar School Examination Board (Higher Secondary), Budh Marg, Patna.
5. The District Education Officer, Biharsharif, Nalanda.
6. The Chairman, Governing Body/Managing Committee, Rajeshwar Lal College, Inter Part, Ali Nagar, Nalanda.
7. Dr. Mahendra Prasad, the Principal of Rajeshwar Lal College, Inter Part , Ali Nagar, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 31-10-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner had moved the Court initially for the following reliefs:

“I. Quashing the Advertisement dated 13.8.17 (Anx-1) published in Prabhat Khabar, Sheikhpura Edition issued under the signature of the outgoing principal (Respt. No. 7) being arbitrary, malafide and contrary to the Rules applicable to the college.

II. Directing the Respondent authorities



especially Chairman of the Bihar School Examination Board (Higher Secondary) (Respt. No. 3) to declare the Advertisement for the appointment of Principal in Rajeshwar Lal College, Inter Part, Ali Nagar, Nalanda as invalid and non-operative as has been published in Prabhat Khabar, Sheikhpura Edition, a Hindi daily on 13.8.17 as such advertisement issued under the signature of Principal of the College beyond his power and de hors the concerned Rules and Regulations.

III. Directing the Respts. Authorities (Respts. no. 3 and 4) to take action against the present Principal (Respt. No. 7), who is going to retire on 30.9.17, for issuing such Advertisement unauthorizedly, malafide with ulterior motive and contrary to the Rules.

IV. Directing the Governing Body/Managing Committee (Respt. No. 6) of the said college to make appointment on the post of Principal of the college after the retirement of present principal in accordance with the Rules and Regulations.

V. Any other relief and reliefs for which the petitioner may be found entitled to.”

3. However, during the pendency of the writ petition, appointments have been made and thus, the petitioner has filed Interlocutory Application No. 7680 of 2017 for impleading the successful candidate and further Interlocutory Application No. 7679 of 2017, challenging such appointment.

4. Learned counsel for the petitioner submitted that for the grievance raised in the writ petition and the Interlocutory Applications, he may be permitted to raise the same before the District Teachers Employment Appellate Authority, Nalanda (hereinafter referred to as the ‘Authority’).



5. Learned counsel for the State does not oppose.

6. In view thereof, the writ petition stands disposed off with liberty aforesaid.

7. If an appeal is filed before the Authority under Rule 13 of the *Bihar Rajya Vidayala Shiksha Avam Karamchari Sichayat Niwaran Niyamawali, 2015* within four weeks from today, the same shall be considered and disposed off on merits expeditiously and within the statutory period.

(Ahsanuddin Amanullah, J.)

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