

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5487 of 2017

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1. Harishankar Yadav, Son of Late Jagdhar Yadav, Resident of Village-Durgapur, P.S.- Raghapur, District-Supaul
2. Kamleshwari Khirhar, son of Late Purin Khirhar, resident of Village-Laxmipur Sawant, P.S. Raghapur, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department, of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Koshi Division, Saharsa.
5. The District Education, Officer, Supaul.
6. The Bihar School Examination Board (Higher Secondary), Budh Marg, Patna through its Chairman.
7. The Chairman, Bihar School Examination Board, (Higher Secondary), Budha Marg, Patna
8. The Secretary, Bihar School Examination Board (Higher Secondary), Budh Marg, Patna.
9. Governing Body and Managing Committee of Kirti Narayan Inter College, Raghapur Supaul, District-Sypaul through its Principal-cum-Secretary of the College.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat
For the Respondent/s : Mr. PRABHAKAR JHA-GP27

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-01-2018 Learned counsel for the petitioners is permitted to make correction in first Paragraph of the writ application which contains some typographical errors in course of the day.

2. Heard learned counsel for the parties.

3. The petitioners' claim that they are donor members of the Kirti Narayan Inter College, Raghapur. The description of land and the amount donated by them to the said College has



been indicated in paragraph 1.

4. It is the case of the petitioners that under Bihar School Examination Board (Senior Secondary)Affiliation Regulations, 2013, a Governing Body and the Managing Committee for each School is to be constituted. The Bihar School Examination Board had issued a press communique way back on 19.01.2017, asking the Educational Institutions to ensure constitution of the Managing Committee in accordance with the provisions of the said Regulations. Under the said Regulations, the donors are to be President of the Governing Body of a School on rotation basis. It is their grievance that despite the said press communique, dated 19.01.2017, a Governing Body and the Managing Committee of the School has not been constituted.

5. In substance, the petitioners' seek a direction to enforce the direction issued by the Bihar School Examination Board as contained in press communique, dated 19.01.2017. This, in my view, cannot be the scope of the writ jurisdiction. At the same time, the Court is of the view that the Bihar School Examination Board has a duty to ensure compliance of the statutory provisions in the matter of constitution of the Governing Bodies and the Managing Committees of the College.



6. This writ application is, accordingly, disposed of with an observation and direction to the Secretary, Bihar School Examination Board to take steps for constitution of the Governing Body and the Managing Committee of the School in question within a period of three months from the date of receipt/production of a copy of this order.

7. Needless to say that the authorities shall be required to ensure that the constitution is as strictly as per the statutory requirements.

8. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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