

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2257 of 2016

In

Civil Writ Jurisdiction Case No.2639 of 2015

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Bhagwati Devi, W/o Shri Mundeshwari Prasad, Resident of Belamegh, PS-
Ujiyarpur, District- Samastipur.

... .. Appellant/s

Versus

1. The Secretary, Bihar School Examination Board (Higher Secondary), Budh Marg, Patna.
2. The Chairman, Bihar School Examination Board (Higher Secondary), Budh Marg, Patna.
3. The Bihar School Examination Board (Higher Secondary), Budh Marg, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Tej Pratap Singh, Advocate
Mr. Shankar Kumar Thakur, Advocate
For the Respondent/s : Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-03-2018

Having heard learned counsel for the parties, in our considered view, against the order Annexure 15 dated 13.11.2014 passed by the Bihar School Examination Board, apart from the fact that the petitioners have a remedy of approaching the Civil Court for redressal of the dispute in question by virtue of Sub-Rule 22.1 of the Bihar School Examination Board, Affiliation (Higher Secondary)(Amendment) Regulation, 2013 by which Clause 22.1 has been inserted which reads as under:



“Service related complaints of teaching and non teaching employees of aided secondary/senior secondary school (+2 College), dispute in distribution of aid and dispute in connection with society/trust/ managing committee/governing body/ managing committee and *ad hoc* committee of the concerned institution shall be resolved by notified Appellate Authority at Divisional level by the State Government.”

We are informed that in accordance to this provision, appellate authorities and tribunals have been notified not only at the district level but also at the State level and the appellate authority functioning at State level is headed by a retired of this Court.

That being so, for disputes with regard to remedy, statutory in nature, is available to the petitioner under Regulation 22.1 and, therefore, the petitioner may take recourse to the said remedy by filing an appropriate appeal before the appropriate appellate tribunal at Divisional level tribunal and in case an appeal is filed within 45 days from today, the tribunal concerned shall proceed to decide the same in accordance with law, after hearing all concerned and shall not reject the same simply on the ground of delay.

Modifying the order to the aforesaid extent, we dispose of the matter. The sole grievance of the petitioner is that the impugned order, Annexure 15, has been passed without hearing



the petitioner. If that be so, the petitioner can agitate the same before the Tribunal where all issues can be sorted out after hearing all concerned.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

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