

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10103 of 2015

Shiv Nath Sharma Son of Late Raj Nandan Sharma resident of village - Pali, P.S. Naubatpur, District Patna at present Head Master of Swami Basudevacharya Sanskrit High School, Taret Pali, P.S. Naubatpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Special Director Secondary Education (Sanskrit), Education Department, Government of Bihar, Patna.
3. Bihar Sanskrit Shiksha Board through its Secretary Near Chitkohra Pool, Flat No. 17, Bihar, Patna.
4. The Chairman, Bihar Sanskrit Shiksha Board near Chitkohra Pool, Flat No. 17, Bihar, Patna.
5. The Secretary, Bihar Sanskrit Shiksha Board, Near Chitkohra Pool, Flat No. 17, Bihar, Patna.
6. The District Education Officer, Patna.
7. The Ad-hoc Committee, Swami Basudevacharya Sanskrit High School, Taretpali, P.S. Naubatpur, District Patna through its Secretary.
8. Sri Dharmendra Kumar Son of Kumar Arjun Singh An Assistant Teacher of Swami Basudevacharya Sanskrit High School, Taretpali, P.S. Naubatpur, District - Patna.
9. Sri Santosh Kumar Son of Sri Sahja Nand Sharma resident of village - Pali, P.O. & P.S. Naubatpur, District Patna An Assistant Teacher of Swami Basudevacharya Sanskrit High School Taretpali, P.S. Naubatpur, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nand Bansh Nr. Singh, Advocate
For the Respondent/s	:	Mr. Alok Kumar, AC to SC-15
For BSSB	:	Mr. S.S. Sundram, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The writ petition deserves to be allowed only on the
simple ground that the order was passed by the Special Director
as Appellate Authority against the decision of the Sanskrit



Shiksha Board. It has been held out in numerous cases by this Court that the Special Director being ex-officio member of the Board is not competent to hear and decide the appeal against the decision of the Board.

In view of the above, the order contained in Annexure-1 is quashed. The matter is remitted back to the Special Secretary who has been vested with the power to hear appeal against the decision of the Sanskrit Shiksha Board. The Special Secretary, Education Department is required to decide the case after hearing all concerned by a reason speaking order at the earliest.

While taking decision, the Special Secretary is required to take into consideration the judgment of the Apex Court in the case of **Krishana Kumar Singh's case reported in 2017 (3) SCC1** particularly paragraphs 177 to 181 of the aforesaid judgment.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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