

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12647 of 2014**

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Krishna Chandra Son of Ram Ekbal Mandal resident of Village- Janki Astha,  
Police Station- Town & District- Sitamarhi.

... .. Petitioner/s

Versus

1. Bihar Sanskrit Shiksha Board, Patna through its Chairman, Boring Canal Road Near Rajapur Pul, Patna
2. Chairman, Bihar Sanskrit Shiksha Board, Boring Canal Road, Near Rajapur pul, Patna.
3. Secretary, Bihar Sanskrit Shiksha Board, Boring Canal Road, Near Rajapur pul, Patna.
4. Special Director, Secondary Education, Bihar, Patna.
5. Managing Committee through its Secretary, Kaushalya Sanskrit Uchch Vidyalay, Mahua, P.O+ P.S. Mahua, District- Vaishali.
6. Headmaster, Kaushalya Sanskrit Uchch Vidyalay, Mahua, P.O.+ P.S.- Mahua, District- Vaishali.
7. Shiv Shankar Singh Son of Late Ram Sagar Singh resident of Village- Phulwariya, P.S.- Mahua, District- Vaishali.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|--------------------------------------|
| For the Petitioner/s | : | Mr. Baidya Nath Thakur, Advocate     |
| For the Respondent/s | : | Mr. Satyam Shivam Sundaram, Advocate |
|                      |   | Mr. Shashank Shekhar Jha, Advocate   |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      27-08-2018                      Heard learned counsel for the petitioner and the  
  
counsel appearing on behalf of the respondent State as well as  
  
Sanskrit Shiksha Board and private respondent.

The appeal was decided by the Special Director who is ex-officio member of the Board and this Court has held in the judgment reported in 2013(1) PLJR 263 that the decision by the Special Director in appeal against the decision of the Board in which the Special Director is ex-officio member is unsustainable.



In view of the above, the present writ application is allowed. The order contained in Annexure-9 is quashed.

The matter is remitted to the Special Secretary, Secondary Education, Patna who has been authorized to act as an Appellate Authority against the decision of the Board.

The Special Secretary, Secondary Education is required to take fresh decision on the appeal in accordance with law by hearing the parties within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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