

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1141 of 2016

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Suresh Prasad Singh Son of Late Basistha Narain Singh, Resident of Near Prabhat Tara School, Bhagwanpur, P.O.-Bhagwanpur, P.S.- Muzaffarpur, District-Muzaffarpur.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna
4. The Bihar School Examination Board, Buddha Marg, Patna through the Secretary.
5. The Secretary (Higher Secondary), the Bihar School Examination Board, Buddha Marg, Patna
6. The District Education Officer, Muzaffarpur, District- Muzaffarpur.
7. The District Programme Officer (Establishment) Muzaffarpur District-Muzaffarpur.
8. The Principal L.P. Shahi Inter College, Patahi, Muzaffarpur, District-Muzaffarpur.
9. Dr. Shambhu Prasad Singh Son of Late Kedar Prasad Singh, resident of Mohalla Rasul Jilani, P.O. Manjhaulia, P.S.- Kari Mohammadpur, District- Muzaffarpur.

.... Respondents- Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh
For the Respondent/s : Mr. Madhukar Krishna Sinha, SC 1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-04-2018

Seeking exception to an order dated 19.04.2016 passed by the learned Writ Court in CWJC No. 19759 of 2014 this appeal has been filed under Clause 10 of the Letters Patent.

In the matter of constitution of the Managing Committee for a private institute, namely, L P Shahi Inter College, Patahi in the



district of Muzaffarpur, the petitioner-appellant had filed the writ petition challenging the notification issued by the Bihar School Examination Board excluding his name from the list of members which constituted the Managing Committee. It was the case of the petitioner that he being the highest donor amounting to more than five lakhs of rupees was entitled to be included in the list of the members of the Managing Committee. The learned Writ Court examined the issue and found that the petitioner is alleged to have committed fraud with the institute, various criminal cases were pending against him and it was also found that entries with regard to his claim showing him to be the highest donor is itself doubtful. In paragraphs-4 and 5 of the impugned order the learned Writ Court has observed as under:-

“4. No doubt certain entries have been shown to be donations on the part of the petitioner towards the college and the accumulated effect of that donations or entries have been added up to show that he is the highest donor amounting to a littler over a 5 lakhs of rupees.

5. Those entries are suspect. However, the authenticity of the same can only be established after a due enquiry or verification of the bona fide of those entries which is linked with donations of the petitioner towards the college in question.”

And, taking note of the aforesaid nature of dispute the learned Writ Court has refused to interfere into the matter. In our



considered view the learned Writ Court has not committed any error in doing so.

The appeal is therefore dismissed.

(Rajendra Menon, CJ)

(Sanjay Kumar, J)

mr1/-

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