

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5895 of 2017

=====
Binay Kumar Jha, Son of Abadh Narayan Jha, R/o Village+P.O-
Lakshminiya, P.S.-Balua Bazar, District-Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate-cum-Collector, Supaul.
5. The Regional Deputy Director of Education, Koshi Division, Saharsa.
6. The District Education Officer, Supaul, District-Supaul.
7. The Block Education Officer, Chhatapur, District-Supaul.
7. The Anchaladhikari Chhatapur, District-Supaul.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the State : Mr. Umesh Narayan Dubey, AC to GP-27

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 24-01-2018

Heard the parties.

2. It is being asserted in the present writ
application that Raghunandan Middle School, Lakshmineya,



Anchal-Chhatapur, in the district of Supaul, is situated within the territory of Ward No. 12 of Gram Panchayat Rajya Lakshmineya. Under Rule 13(7) of Chapter-V of the Bihar State Free and Compulsory Education for Children (Amendment) Rules, 2013 (*in short 'the Rules'*), the member of the concerned ward, under the Gram Panchayat, is to be the Chairman of the Managing Committee of a school.

3. However, it is the petitioner's grievance that the said school has been wrongly treated to be falling in the territory of Ward No. 10 and the ward member of Ward No. 10 has been directed to be appointed as the Chairman of the Managing Committee of the school in question. This is the grievance with which the present writ application has been filed.

4. Learned Counsel, appearing on behalf of the State of Bihar, on the other hand, has drawn my attention to an order of this Court, dated 10.01.2018, passed in C.W.J.C. No. 7281 of 2015 (***Sheo Shankar Prasad Vs. The State of Bihar & Ors.***), in order to submit that the very operation of the Rules, in question, has been stayed.

5. Since the Rules, on which the petitioner is placing reliance, has been stayed by a Division Bench of this Court, no relief can be granted as sought in the present application.



6. This application is, accordingly, disposed of with an observation that the respondents shall proceed accordingly in the matter of appointment of the Chairman of the Managing Committee of the school in question.

7. The petitioner’s application, dated 15.12.2016, pending before District Magistrate, Supaul, may be considered in the light of the subsequent development, as noted above.

8. This application stands disposed of.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27/01/2018
Transmission Date	N/A

