

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13821 of 2017

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1. Ganesh Giri, son of Late Ram Narayan Giri, Secretary, College Managing Committee Vidyapati Inter College, Vidyapati Nagar, Resident of Village and P.S. Vidyapati Nagar, District- Samastipur.
 2. Jagesh Kumar Singh, Son of Late Bhuneshwar Prasad Singh, Principal, Vidyapathi Inter College, Vidyapati Nagar, Resident of Village- Malkalipur, P.S.- Vidyapati Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Higher Education, Bihar, Patna.
2. The Director, (Secondary Education), Human Resources Development Department, Bihar, Patna.
3. The Deputy Director (Secondary Education), Human Resources Development Department, Bihar, Patna.
4. The Secretary, Bihar School Examination Board, (Senior Secondary), Budha Marg, Patna.
5. The Chairman, Bihar School Examination Board, (Senior Secondary), Budh Marg, Patna.
6. The Sub- Divisional Officer, Dalsinghsarai, District- Samastipur.
7. The District Education Officer, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Y. V. Giri, Sr. Adv. Mr. Suresh Chand Giri
For the State	:	Mr. Sanjay Kumar, AC to GP 17
For the BSEB	:	Mr. Gyan Shankar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-02-2018 The petitioners are the Secretary and the Principal of the Vidyapati Inter College, Vidyapati Nagar, in the district of Samastipur. The College was affiliated with the Bihar School Examination Board. The Bihar School Examination Board, by a communication, dated 31.05.2013, made to the petitioners, intimated cancellation of the affiliation of the College in question in accordance with the provisions of Bihar School



Examination Board Affiliation Bye-laws, 2011. The said communication is being challenged in the present writ application filed on 18.09.2017.

Mr. Y. V. Giri, learned Senior Counsel, appearing on behalf of the petitioners, has submitted that the only ground for cancellation of affiliation, as indicated in the impugned order, is of the dispute between these two petitioners as the Secretary and the Principal of the College in question, which had led to registration of an F.I.R. also. He has also submitted that the dispute between the petitioners have since been resolved and the said criminal case has been compromised and, therefore, the very basis for cancellation of the affiliation is, as on date, absent. He has also submitted that the dispute between the two functionaries of the College could not have been the basis of cancellation of affiliation. He has also submitted that the petitioners have approached the Bihar School Examination Board for reconsidering its decision to cancel the affiliation.

My attention has been drawn to different representations, from 15.09.2014 to 30.05.2017, to submit that the petitioners have been pursuing the Bihar School Examination Board for such reconsideration.

Mr. Gyan Shankar, learned Counsel, appearing on behalf of



the Bihar School Examination Board, on the other hand, has submitted, that the dispute between the two petitioners was not the only ground for cancellation of the affiliation; rather, noticing financial irregularities also, the Bihar School Examination Board had taken decision to cancel the affiliation.

Be that as it may. The petitioners have approached the Bihar School Examination Board to reconsider their case in respect of cancellation of affiliation, which is pending and the Bihar School Examination Board has not taken any decision.

I dispose of this writ application accordingly with a direction to the Secretary, Bihar School Examination Board, to ensure that a final decision is taken on the representations filed by the petitioners in respect of the decision of the Bihar School Examination Board to cancel the affiliation. The Bihar School Examination Board shall be required to take a decision in accordance with law. The petitioners shall be at liberty to question the decision so taken by the Bihar School Examination Board before an appropriate forum in accordance with law.

The decision must be taken within a period of two months from the date of receipt/production of a copy of this order.

If the decision goes against the petitioners, it must be in the form of an order of the Bihar School Examination Board



assigning reasons therefor.

This application stands disposed of.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J)

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