

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3389 of 2012

Kailash Kumar Singh, son of late Ayodhya Prasad Singh, resident of village-Kumarigola, P.S. Dhamdaha, District-Purnea at present posted as an Assistant Teacher in Bhagawati Nandika Prathamik Sanskrit Vidyalaya, Kuwarigola, P.S. Dhamadah, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner cum Secretary, Human Resoureces Department, Government of Bihar, Patna
2. The Bihar Sanskrit Shiksha Board, through its Chairman, East Boring Canal Road, Patna
3. The Secretary, Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna
4. The Special Director (In charge Sanskrit Education)
5. The Managing Committee through its Secretary, Bhagawati Nandika Prathamik Sanskrit Vidyalaya, Kumarigola, P.S. Dhamdaha, District-Purnea
6. The Headmaster, Bhagawai Nandika Prathamik Sanskirt Vidyalaya, Kumarigola, P.S. Dhamdaha, District-Purnea
7. The District Education Officer, Purnea
8. Smt. Sanyukta Devi, wife of Sishir Kumar Thakur, resident of village-Kumarigola, P.S. Dhamdaha, District-Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushottam Jha Mr. Madhav Jha
For MC	:	Mr. Durganand Jha
For the Respondent/s	:	Mr. Raj Kishore Roy, AC to GP-18
For the Board	:	Mr. S.S. Sundram

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

10 30-11-2018

Heard learned counsel for the parties.

Considering the fact that Special Director has passed order in Appeal against the decision of the Board, the Court has no option but to quash such order as this Court has already held out that the Special Director being member of the Board is not competent to hear the appeal against the decision of the Sanskrit Shiksha Board.



In view of the above, the order passed by the Special Director in Appeal No. 5 of 2011 cannot sustain and the same is accordingly quashed.

The matter is remitted back for decision afresh by the Special Secretary of the Education Department who has been authorized to hear appeal against the decision of the Board.

Since the matter relates to approval of the service of two rival contenders before this Court, the Court directs that the Special Secretary to hear the appeal at the earliest preferably within a period of three months from the date of receipt/production of a copy of this order in accordance with the law after giving opportunity to all concerned.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

