

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.36 of 2017

In

Civil Writ Jurisdiction Case No.11981 of 2016

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Krishna Kumar Singh, S/o Late Triguna Singh, R/o Naika Loha Tola, P.O. +
P.S. - Rivilganj, District - Saran.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Joint Director, Secondary Education, Govt. of Bihar, Patna.
3. Bihar Sanskrit Shiksha Board, Back Harding Road, House No. 17, near
Chitkohara Bridge, Patna, through the Secretary.
4. The Chairman, Bihar Sanskrit Shiksha Board, Back Harding Road, House No.
17, near Chitkohara Bridge, Patna.
5. The Secretary, Bihar Sanskrit Shiksha Board, Back Harding Road, House No.
17, near Chitkohara Bridge, Patna.
6. Prabhu Narayan Mishra, S/o Sri Kashi Nath Mishra, R/o village - Godna,
Brahmin Toli, P.O. - Rivilganj, District - Saran.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mrs. Namrata Mishra, Advocate
For the BSSB	:	Mr. S.S. Sundram, Advocate
		Mr. Shashank Shekhar Jha, Advocate
For the State	:	Mr. Priyadarshi Matri Sharan, A.C. to AAG-15
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey-Aag15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-09-2018

1. Feeling aggrieved and dissatisfied by the impugned order passed by the learned Single Judge dated 05.12.2016 in C.W.J.C. No. 11981 of 2016 by which the learned Single Judge has dismissed the said petition preferred by the appellant herein-original writ-petitioner, the original writ-petitioner has preferred the present Letters Patent Appeal.

2. We have heard the learned counsel appearing on behalf of the respective parties at length. At the outset, it is required to be noted that the original writ-petitioner challenged before the learned Single Judge the order dated 27.05.2016 passed by the Joint Director, Secondary Education, Government of Bihar by which the Joint Director in an appeal preferred by Private Respondent No. 6 set aside the order of the Managing Committee of the school. However, considering the fact that at the time when the original writ-petitioner preferred the petition he was not holding any post in the Managing Committee and even he was not the Secretary of the Managing Committee and, therefore, by the impugned order the learned Single Judge has dismissed the said petition and has not entertained the petition at



the instance of the petitioner being former Secretary of the Managing Committee. As rightly observed by the learned Single Judge, merely because the Managing Committee of the School, whose decision was set aside by the Joint Director, at the relevant time was presided over by the writ-petitioner as a Secretary, he cannot maintain the petition in his individual capacity and as a former Secretary of the Managing Committee.

3. At this stage, learned counsel appearing on behalf of the appellant has stated that now new Managing Committee has been constituted and, therefore, it may be suitably observed that the new Committee can challenge the order passed by the Joint Director.

4. No further observation is required as in Paragraph No. 2 the learned Single Judge has specifically observed that if the present dispensation and Committee is interested in maintaining the previous decisions, they will surely defend their interest and rights.

4.1. No interference of this Court is called for in exercise of intra court appellate jurisdiction. Under the circumstances, the present appeal deserves to be dismissed and



is, accordingly, dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

P.K.P./-

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CAV DATE	
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