

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.127 of 2018

In
Letters Patent Appeal No.113 of 2018

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1. Sri Ram Chandra Senior Secondary School, Raja Pakar, Vaishali at Hajipur through its Secretary Rajiv Kumar S/o Sri Ram Lalan Rai, Resident of Village+ P.S.- Raja Pakar, District- Vaishali at Hajipur.
 2. Sri Kapildeo Rai Senior Secondary School Sumerganj, Chehra Kala, District Vaishali at Hajipur through its Secretary Akhilesh Kumar, S/o Sri Suresh Rai, Resident of Village- Salempur Dumariya, P.S. Goraul, District- Vaishali at Hajipur.

... .. Appellants-Petitioner/s

Versus

1. The State of Bihar through the Secretary, Human Resources Development Department, Government of Bihar.
2. The Bihar School Examination Board (Senior Secondary), Buddha Marg, Patna through its Chairman.
3. The Chairman, Bihar School Examination Board (Senior Secondary), Buddha Marg, Patna.
4. The Secretary, Bihar School Examination Board (Senior Secondary), Buddha Marg, Patna.
5. The District Education Officer, Vaishali at Hajipur.
6. The Deputy Development Commissioner-cum- Chairman (Inspecting Team), Vaishali at Hajipur.

... .. Respondents-Opposite Parties.

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Advocate
For the State	:	Mr. V.K. Mishra, AC to AAG
For the B.S.E.B	:	Mr. Amrendra Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

- 3 06-10-2018 1. The present application has been preferred by the original applicants herein- original writ petitioners- original appellants to review and recall the order passed by the Division Bench of this Court dated 11.04.2018 passed in Letters Patent Appeal No.113 of 2018.



2. We have heard learned counsel appearing on behalf of the respective parties. We have perused and considered the original petition and the original order passed by the learned Single Judge, which has been confirmed by the Division Bench.

2.1. It is true that there is some factual inaccuracy in noting the facts, however, after considering the matter on merits and the original proceedings, we are of the opinion that the order passed by the Division Bench dismissing the appeal is not required to be recalled. It is required to be noted that before the learned Single Judge, original petitioners prayed for the following reliefs:

(i) That, the office order issued by Respondent no.5 vide Memo No. 87/EXM, dated 29.10.2016 and Memo No. 520/EXM dated 26.07.2016 as contained in Annexure 4&5 be quashed.

(ii) That, an appropriate writ or direction be issued commanding the Respondents to accept the Registration Fees and forms of the students admitted by the petitioners school and forwarded by the petitioners and to allow the students to appear in the examination to be conducted by the Respondents for the academic Sessions 2016-18 on the Code of petitioners school.

(iii) That, an appropriate writ or direction be issued commanding the Respondents to



consider the case of the petitioners as per the recommendation of the Inspection Report submitted by Respondent no.6 dated 30.08.2016 and to continue the affiliation of the petitioners school in accordance with law.

(iv) That, any other relief or reliefs for which the petitioners school be found entitled in the eyes of law be granted to them in accordance with law.

2.2 However, the students were already permitted to appear in the Board's examination through another schools. Therefore, so far as the writ applicants are concerned, they were not concerned whether the students are permitted to appear through their schools or through other schools. It is required to be noted that at the relevant time, when the main writ petition was preferred, there was an order passed in favour of the writ petitioners which was cancelling affiliation, however, the said order was stayed by the Division Bench and, therefore, the cancellation of the affiliation of the writ petitioners came to be continued. It is reported that certain subsequent developments have taken place to which we are not concerned.

3. Considering the facts that as such, the students, who were admitted in the writ applicants- schools, were permitted to appear in the examination through another school and as



observed hereinabove, at the relevant time, Letters Patent Appeal was pending and the issue with respect to cancellation of the affiliation was at large, thereafter, when the Division Bench has dismissed the appeal, the said order is not required to be reviewed or recalled. Hence, the present application stands dismissed.

(Mukesh R. Shah, CJ)

(Rajeev Ranjan Prasad, J)

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