

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1931 of 2018**

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Mahanath Ram Udar Das, Chela of Late Mahanth Paramhans Das, Resident of Bhavdepur Got, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education, Government of Bihar, Patna.
2. Bihar School Examination Board (Senior Secondary), Bihar, Patna through its Secretary.
3. Chairman, Bihar School Examination Board (Senior Secondary), Bihar, Patna.
4. In- Charge Principal, Mahanth Paramhans Das Mahila College, Sitamarhi.
5. District Programme Officer-cum- Convenor, Proposed Ad-hoc Managing Committee, Mahanth Paramhans Das Mahila College, Sitamarhi.
6. Bihar Anudanit Teaching Institutions Tribunal, Niyojan Bhawan, 5 C-D, Bailey Road, Patna- 800 001 through its Chairman.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Yogendra Mishra<br>Mr. Uma Kant Tiwary                   |
| For the Respondent/s | : | Mr. Madanjeet Kumar, GP-20<br>Mr. Rajeev Ranjan, AC to GP-20 |
| For the B.S.E.B.     | : | Mr. Ajay Bihari Sinha                                        |

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

ORAL ORDER

2      26-07-2018                      The petitioner had earlier approached this Court by filing CWJC No. 17788 of 2016, raising his grievance against constitution of Managing Committee of Mahanth Paramhans Das Mahila Mahavidyalaya, Sitamarhi, particularly, in respect of donor member of the Governing Body. This Court, in the light of provision of appeal before the State Appellate Authority under Bihar Anudanit Teaching Institutions Tribunal Board, 2015 had disposed of the writ application with an observation



that if the petitioner preferred an appeal, raising his grievance as raised in the writ application, the same shall be disposed of expeditiously. The petitioner, accordingly, approached the Tribunal by way of filing the appeal giving rise the Token No. Appeal/872/2017. The said appeal has been disposed of by order, dated 21.12.2017, by the Chairperson of the Appellate Authority, expressing lack of jurisdiction of the State Appellate Authority in the absence of appointment of Judicial Member of the Authority. The said order of the authority dated 21.12.2017, is being assailed in the present writ application. The petitioner is also seeking a direction for his declaration as major donor of the college and inclusion of his name in the regular Managing Committee as chairperson of the Managing Committee.

This is, however, not being disputed that as on date the Appellate Authority has been fully constituted and a retired Judge of this Court has been appointed as Chairman of the Appellate Authority.

Mr. Yogendra Mishra, learned counsel appearing on behalf of the petitioner, however, submits that instead of relegating the petitioner again to the authority, this Court should entertain this writ application and pass appropriate orders. It is true that because of incomplete constitution of the appellate



authority, the petitioner had to suffer to some extent. However, since there is alternative remedy available and the State Appellate Authority is fully functional, I dispose of this writ application by remitting the matter back to the appellate authority with an observation that the appellate authority shall decide the petitioner's Token No. Appeal/872/2017 afresh. The petitioner will not be required to file any appeal afresh. For the said purpose only, the order dated 21.12.2017 is set aside.

Since enough delay has already been caused in adjudication of the petitioner's claim of being donor member of the college, the Court expects the authority to dispose of the appeal as expeditiously as possible, preferably within a period of three months from the date of receipt/production of a copy of this order.

This disposes of the application.

**(Chakradhari Sharan Singh, J)**

Ashish/-

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