

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12160 of 2011

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Madh Bendra Kumar Singh, S/o Shankar Dayal Singh, R/o Village- Arakhpur, P.S.-
Assaw, P.O.- Shirpur Sajkara, Distt.- Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. The Special Director (Secondary Education), Human Resources Development
Department, New Secretariat, Govt. Of Bihar, Patna
3. The Bihar Sanskrit Education Board, Bihar, Patna through its Secretary, the
Bihar Sanskrit Education Board, Patna
4. The Chairman, Bihar Sanskrit Education Board, Patna
5. The Secretary, Bihar Sanskrit Education Board, Patna
6. The Managing Committee, Sanatan Dharm Sanskrit Primary Cum-Middle
School, Arakhpur, Siwan, through its Secretary
7. The Secretary, Managing Committee, Sanatan Dharma Sanskrit, Primary-Cum-
Middle School, Arakhpur, Siwan
8. Om Prakash Thakur, S/O Not Known, Assistant Teacher Graduate, Sanatan
Dharm Sanskrit Primary-Cum-Middle School, Arakhpur, P.O.- Shivpur Sakra,
P.S.- Assaw, Distt.- Siwan
9. The District Education Officer, Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar, Advocate
For the Respondent/s	:	Mr. Mritunjay Kumar, AC to GA-4
For B.S.S. Board	:	Mr. S. S. Sundram, Advocate
		Mr. Shashank Shekhar Jha, Advocate
For Respondent No.8		Mr. Dr. Uma Shankar Prasad, Sr. Advocate
		Mr. Kamla Kant Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 25-09-2018

Heard learned counsel for the petitioner, State,
Sanskrit Shiksha Board and the private respondent.

2. The petitioner is aggrieved by the order of the
Special Director (Secondary Education) as contained in Memo No. 51
dated 12.05.2010 (Annexure-16) in Appeal No. 16 of 2004.

3. The issue as to competence of Special Director
(Secondary Education) to hear the appeal against the decision of the



Sanskrit Shiksha Board is no more *res integra*. It has been decided by this Court that Special Director (Secondary Education), being the Ex-Officio Member of the Sanskrit Shiksha Board is not competent to decide the appeal against the order of the Board.

4. Under the aforesaid, the respondents have now notified and authorized the Special Secretary to hear the appeal against the decision of the Sanskrit Shiksha Board.

5. In view of the above, the order as contained in Annexure-16 passed by the Special Director (Secondary Education) dated 12.05.2010 cannot sustain. It is accordingly, quashed. The matter is remitted to the Special Secretary, Education Department, who has been authorized by the Government to hear the appeal against the decision of the Sanskrit Shiksha Board. The Special Secretary, Education Department is required to hear the appeal on its own merit and after hearing the parties decide the appeal in accordance with law.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2018
Transmission Date	

