

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14603 of 2017

Suresh Kumar Pandey S/o Late Kailash Pandey Resident of Village + P.O. - Kushhar, P.S. - Turkaulia, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Secondary Education, Govt. of Bihar, Patna.
2. The Joint Director, Secondary Education, Govt. of Bihar, Patna.
3. The Bihar Sanskrit Education Board through the Chairman, Back of Harding Road, Flat No. 17, Near Chitkohar, Patna - 1.
4. The Chairman, Bihar Sanskrit Education Board through the Chairman, Back of Harding Road, Flat No. 17, Near Chitkohar, Patna - 1.
5. The Secretary, Bihar Sanskrit Education Board through the Chairman, Back of Harding Road, Flat No. 17, Near Chitkohar, Patna - 1.
6. The District Education Officer, East Champaran, District - East Champaran at Motihari.
7. The District Programme Officer (Planning and Account), District - East Champaran at Motihari.
8. Arvind Kumar Singh Son of Late Banch Bahadur Singh of Village Bakhari, P.O. Bakhari, P.S. Patahi, District - East Champaran.
9. Arvind Kumar Son of Late Ram Swarup Singh of Village & P.O. Betauna, P.S. Patahi, District - East Champaran.
10. Smt. Anjali Devi Wife of Arvind Kumar of Village & P.O. Betauna, P.S. Patahi, District - East Champaran.
11. The Block Development Officer, Patahi, District - East Champaran.
12. Shri Rabindra Singh, Asstt. Teacher, Ayodhya Sheo Narain Sanskrit School Bhitgharwa Math, Patahai, P.S. & P.O. Patahi, District - East Champaran.
13. Smt. Sangya Devi Wife of not known
14. Shri Anil Prasad Fathers name not known of village Bhitgharwa Math Patahi P.S. & P.O. Patahi, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uma Kant Shukla Mr. Rajesh Ranjan No. 1
For the State	:	Mr. Sanjay Kumar, AC to GP 17 Mr. Amit Bhushan, AC to GP 17
For the Board	:	Mr. S. S. Sundaram

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 02-01-2018 In compliance of the order, dated 12.12.2017, the original records of Appeal No. 37 of 2016, which has given rise to



passing of the impugned order, dated 22.08.2017, has been produced by learned Assistant Counsel to Government Pleader No. 17.

The petitioner claims that at the relevant point of time, he was working as the Incharge, Headmaster, Ayodhya Sheo Narain Sanskrit High School, Bhitgharwa Math, Patahi, East Champaran.

An appeal was preferred under Section 24 of the Bihar Sanskrit Education Board Act, 1981, by Arvind Kumar Singh (respondent no. 8), assailing the impugned order passed by the Secretary, Bihar Sanskrit Education Board, whereby Managing Committee of the School, in question, was dissolved under the orders of the Chairman of the Board. The Incharge Headmaster of the School was impleaded as respondent no. 6 before the appellate authority, which fact is not in dispute.

It is the specific case of the petitioner that no notice was served upon him in respect of the appeal and in his absence, the impugned order has been passed.

On perusal of the original records, I find that though notice, through registered post was sent to respondent no. 6, there is nothing to show that the said notice was, in fact, served upon respondent no. 6.



However, on the basis of materials on record, including the original records, learned Counsel appearing on behalf of the petitioner could not satisfy this Court as to how the petitioner is aggrieved with the impugned action. The petitioner is still continuing as Incharge Headmaster of the School. It is being submitted on behalf of the petitioner, however, that an illegal Managing Committee is being constituted on the basis of forged document in respect of which an F.I.R. has been got registered by the petitioner. It is also the stand that an enquiry has been held by the Officials at the district level, wherein nomination for the constitution of the Managing Committee has been found to be forged.

Be that as it may, considering the aspect that this case involves disputed question of fact and the petitioner could not satisfy the Court about his *locus standi* to maintain this application, in his individual capacity, I am not inclined to interfere with the impugned action.

This application is, accordingly, dismissed.

It goes without saying that the petitioner shall have the liberty to avail his remedy, before appropriate forum, including by way of filing a suit.

Let the original records of the appeal be returned to learned



Assistant Counsel to Government Pleader No. 17.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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