

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22802 of 2018

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Babulal Ray Uchchya Vidyalaya, Babhantoli (Rasulpur) Korigaon, Vaishali through its Secretary Anju Kumari, Wife of Sanjay Kumar, Resident of Mohalla – Near Town High School, West, Ward No. 31, P.S. - Hajipur Town, District – Vaishali.

... .. Petitioner/s

Versus

1. Bihar School Examination Board, Buddha Marg, Patna through its Secretary.
2. The Chairman, Bihar School Examination Board, Buddha Marg.
3. The Secretary, Bihar School Examination Board, Buddha Marg.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar
For the Respondent/s	:	Mr. Satyabir Bharti, Mr. Alok Chandra

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 04-12-2018 Preliminary objection raised on behalf of the Bihar School Examination Board over maintainability of the writ application in view of the availability of an alternative remedy of an appeal under Bihar School Examination Board Act against the decision of the Affiliation Committee, which is impugned in the present writ application, seems to be sustainable.

Learned counsel appearing on behalf of the petitioner, however, submits that the decision to cancel the affiliation has been taken even without physical inspection of the school in question. He has submitted that if the Board does physical inspection, the result would be entirely different.



I need not comment upon the plea that the school is fulfilling all requisite criteria for grant of affiliation, for the present. The petitioner shall have the liberty to prefer an appeal before the State Government as contemplated under Section 10B (4) of the Bihar School Examination Board Act. It goes without saying that the petitioner shall also have the option to approach Bihar School Examination Board for grant of affiliation with a request to inspect the school in question physically. If the petitioner does so, the minimum, which this Court expects from the Board is to physically inspect the school in question in view of the stand taken on behalf of the petitioner.

This application stands disposed of with the aforesaid observation.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

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