

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20863 of 2013

AMAND KUMAR DUBEY SON OF SHRI RAMA KANT DUBEY
RESIDENT OF VILLAGE - PAWANI, P.O. CHUNNI, P.S. BUXAR (M),
DISTRICT - BUXAR

... .. Petitioner/s

Versus

1. The State Of Bihar Through Its Principal Secretary, Education Department, Bihar, Patna
2. The Special Director, Secondary Education (Sanskrit), Bihar, Patna
3. The Bihar Sanskrit Shiksha Board Through Its Secretary, East Boring Canal Road, Patna
4. The Chairman, Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna
5. The Secretary, Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna
6. The District Magistrate, Buxar
7. The District Education Officer, Buxar
8. The Adhoc Committee Through Its Secretary, Adarsh Sanskrit High School, Chunni, Buxar
9. The Headmaster, Adarsh Sanskrit High School, Chunni, Buxar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rana Ishwar Chandra, Advocate
For the Respondent/s	:	Mr. Dhurjati Kr Prasad, G.P.-14
For BSSB	:	Mr. S.S. Sundram, Advocate
For respondent. No. 9	:	Mr. Sreekant Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

7 23-08-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State, Sanskrit Shikha Board and the private respondent.

Learned counsel for the private respondent admitted that the order passed by the Special Director is unsustainable as he is ex -officio member of the Sanskrit Shiksha Board.

In view of the admitted fact that the Special Director is ex-officio Member of the Board and as such it is not fair on



the part of the Special Director to sit in appeal and decide the appeal against the decision of the Board, accordingly on the basis of such concession made by the respondents, order contained in Annexure-9 is quashed. The matter is remitted back to the Special Secretary Secondary Education, who has been vested with appellate power to decide the appeal on its own merits after hearing the parties expeditiously preferably within four months from the date of receipt/production of a copy of this order.

With the aforesaid the writ petition stand disposed of.

(Anil Kumar Upadhyay, J)

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