

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.396 of 2018

Dr. Urmila Kumari W/o Late Gajendra Prasad Singh, R/o Village + P.O. - Parsa, P.S.- Hathauri, District- Samastipur, President of Radha Krishna Mandal Govind Goshwami College Shivajee Nagar, P.O.- Rajour, Rambhadrapur, Block- Shivajee Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Secretary, Bihar School Examination Board (Senior Secondary), Patna, Bihar.
3. The Chairman, Bihar School Examination Board (Senior Secondary), Patna, Bihar.
4. Dr. Vijay Kumar Singh, Principal of the Radha Krishna Mandal Govind Goshwami College, Shivaji Nagar, P.O.- Rajour, Rambhadrapur, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Singh, Sr. Advocate Mr. Rajeev Kumar Singh Mr. Ravi Kumar Singh
For the Respondent No.4:		Mr. Ajay Kumar No.I
For the B.S.E.B.	:	Mr Ajay Bihar Sinha
For the State	:	Mr. Jitendra Kumar Roy No-1 -SC-13

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 05-10-2018 Heard Mr. Rajendra Prasad Singh, learned senior counsel, appearing on behalf of the petitioner, learned counsel appearing on behalf of the Bihar School Examination Board and learned counsel representing the private respondent no. 4.

The petitioner is seeking direction to the respondents to accept her name as Chairman of the Governing Body and Managing Committee of Radha Krishan Mandal Govind Goshwami College Shivajee Nagar, Samastipur, which has been sent by the Principal-cum-Secretary of the College to the Board through letter dated 29.07.2016.



It appears that the Board had constituted a Committee through notification dated 29.05.2009, which has been brought on record by way of Annexure-1 to this application. The said notification was apparently issued in exercise of powers under Section 44(1) and Section 22(5) of the Bihar Intermediate Education Council Act, 1992 (hereinafter referred to as 'the Act').

This is not in dispute that the Act of 1992 stood repealed in 2007. In such circumstance, the notification under the repealed law could not have been issued.

Accordingly, the notification dated 29.05.2009 (Annexure-1) whereby the Governing Body of the College was constituted is declared to be illegal. The said notification is, accordingly, set aside.

The Bihar School Examination Board is directed to take steps afresh for constitution of the Governing Body of the College, in accordance with Regulation 17A of the Bihar School Examination Board (Sr. Sec.) Affiliation Regulation, 2013. The Board, in that exercise, will be required to consider the petitioner's claim, among others.

(Chakradhari Sharan Singh, J)

Ashish/-

U			
---	--	--	--

