

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17484 of 2017

Kushwaha Balika Uchcha Vidhyalaya, Station Road, Gulzarbagh, Patna 800007 through its Head Mistress-cum-Secretary, Manorama Kumari wife of Sri Dig Vijay Sharkar, Resident of Mohalla Kazipur quarters area, P.S. Kadamkuan District-Patna

... .. Petitioner/s

Versus

- 1.The State Of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
- 2.The Chairman, Bihar School Examination Board, Budh Marg, Patna
3. The director Secondary Education, Bihar, Patna
4. The Director (Academic), Bihar School Examination Board, Budh Marg, Patna
5. The Secretary, Bihar School Examination Board, Bihar, Patna
6. Dy. Secretary, Bihar School Examination Board, Bihar, Patna
7. The District Education Officer, Patna.
8. The Neeraj Mehta, son of late Bhagwat Mehta, resident of Mohalla-math Lakshman pur P. S. Alamganj District-Patna, General Secretary Kushwaha Kshatriya Panchit Baithaka Samittee Gulzar Bagh, P.S. Alamganj, District-Patna
9. Sri Anil Kumar, Son of Sri Radheshyam Mehta, Headmaster-Inchjarge Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna
10. Smt. Sunita Devi daughter of Ramchandra Choudhary Guardian member of the Managing Committee of the Kushwa Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna
11. Sri Rajesh Mehta, son of Sri Hanuman Mehta, Guardian member of the Managing Committee of Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna
12. Smt. Kiran Kumari, wife of Sri Shyam Nandan Kumar, Assistant Teacher representative the Managing Committee of Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna
13. Sri Umesh Kumar Sinha, Son of Late Ramanandan Sinha, Assistant Teacher representative, Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna
14. Smt. Shanti Kumari, wife of Sri Awadhesh Kumar Singh, Female member of the Managing Committee of Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna
15. Sri Lalu Prasad, son of Late Ram Krishna Sahu, Male member of the Managing Committee of Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna
- 16.Dr. Diraj Kumar, son of Late Shiv Narayan Mahto, Nominated Male member of the Managing Committee of Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna
17. Dr. Anil Kumar Singh, Son of not known Male member of the Managing Committee of Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna
18. Sri Pradeep Kumar Singh, Son of Late Laxman Das, Male Member of the Managing Committee of Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna



19. Sri Shiyaram Sharan, Son of Late Ram Sewak Prasad, Male Member of the Managing Committee of Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna

20. Sri Ashok Kumar Mehta, Son of Sri Doman Mahto, Male Member of the Managing Committee of Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna

21. Sri Pankaj Kumar, Son of Sri Chandradip Mahto, Male Member of the Managing Committee of Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna

22. Sri Vinay Kumar Mehta son of Late Ram Vishunu Mahto, Male member of the Managing Committee of Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna

23. Sri Sanjay Kumar, son of Sri Ram Gopal Mahto, Male Member of the Managing Committee of Kushwaha Balika Uchch Vidhyalaya Station Road, Gulzarbagh, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha

For the Respondent/s : Mr. SMT.SHILPA SINGH -GA12

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 19-03-2018 Heard learned counsel for the parties.

2. This is not in dispute that the petitioner has remedy against the order, which is impugned in this application before State Appellate Authority constituted under the Bihar Anudanit Shikshan Sansthan Pradhikar Nayamawali, 2015. The said tribunal has been authorized to consider the dispute under Bihar Anudanit Shikshan Sansthan Pradhikar Nayamawali, 2015.

3. The petitioner had earlier approached this Court putting to challenge the same impugned order. On the ground that the petitioner had alternative remedy under the said Bihar Anudanit Shikshan Sansthan Pradhikar Nayamawali, 2015, the application



was disposed of with a liberty to the petitioner to approach the tribunal for the relief sought for in the said application. It transpires that after disposal of the writ application, i.e., CWJC No. 12891 of 2017 when the petitioner tried to approach the said Tribunal, he learnt that the tribunal was not functional in the absence of the appointment of the Chairman of the tribunal. It, however, appears that subsequently Mr. Justice K.K. Mandal, a former Judge of this Court has been appointed as Chairman of the said tribunal. It has been stated at the bar that the said tribunal has started functioning.

4. Learned counsel appearing on behalf of the petitioner has attempted to persuade this Court that the writ application should be decided on merits by this Court despite there being alternative remedy available since it is the petitioner's third attempt to approach this Court for redressal of his grievance. The said argument though appears to be appealing at the first blush, in my view, it would be appropriate for the petitioner to approach the tribunal raising the grievance, which has been raised in the present writ application by filing appropriate application. The Court requests the tribunal to take steps for early disposal of the petitioner's grievance in view of the fact that earlier the petitioner was asked to approach the tribunal



when the tribunal was not found to be functional.

5. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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