

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1907 of 2016

In

Civil Writ Jurisdiction Case No.10276 of 2016

Kamla Devi Gorelal High School, Gonai situated at Gonal, P.O.-Gonai, P.S. -Haweli Kharagpur, Distt.- Munger through its Headmaster, Sri Hari Charan Singh, Son of Late Borahan Singh, resident of village-Ganeli, P.O.-Madhodih, P.S.-Harpur, District-Munger.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Secretary, Bihar School Examination Board, Patna.
4. The Director, Secondary Education, Govt. of Bihar, Patna.
5. The Regional Deputy Director of Education, Munger Division, Munger.
6. The District Magistrate, Munger.
7. The District Programme Officer, Munger.
8. The District Education Officer, Munger.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jyoti Ranjan Jha
For the Respondent/s : Mr. Shashi Shekhar Tiwary
Mr. Ajay

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

18 05-11-2019 Heard learned counsel for the appellant and the learned counsel for the respondents.

2. In this case, the appellant is challenging the Memo.

No.1490 dated 01.08.2015 by which the Director, Secondary Education, Bihar, Patna has held that High School, Gonai,



Munger has been granted permission for establishment, not Kamla Devi Gorelal High School, Gonai. Munger.

3. From the order it appears that by mistake, the money was handed over to the Head Master of Kamla Devi Gorelal High School, Gonai, but on enquiry, it was found that the said school has not been allowed for establishment.

4. Today an affidavit has been filed where in paragraph 10, it has been mentioned that both the parties were given hearing and the documents were examined by the Director, Secondary, who arrived to a conclusion that the permission was granted by the District Education Officer for establishment to High School, Gonai, vide letter-K/258 dated 13.10.11, and in paragraph 12, it has been mentioned that the money of grants-in-aid was issued to the Head Master of Kamla Devi Gorelal High School, Gonai, Munger but on objection, the distribution was stopped, proper verification was made and it was found that Virendra Kumar Sharma is the Head Master of High School, Gonai, Munger.

5. The counsel for the appellant submits that Kamla Devi Gorelal High School, Gonai is the real school was granted permission for establishment, money was to be distributed among the teachers of that school whereas counsel for appellant has submitted that the information which has been provided



under the R.T.I., shows that Kamla Devi Gorelal High School, Gonai, Munger was granted permission for establishment and is no.1 school of the district and Hari Charan Singh is the Head Master whereas Virendea Kumar Sharma is Assistant Teacher of Kamla Devi Gorelal High School, Gonai, Munger.

6. Earlier also the appellant has moved this Court in C.W.J.C. No.19189 of 2012 and the matter was referred to the Director, who ultimately decided the matter against the appellant.

7. In such view of the matter, it is a disputed question of fact which cannot be looked into in the present proceeding. The order of learned single Judge is modified to extent, the appellant if so advised may file a suit for redressal of his grievance. If such suit is filed by the appellant, it is expected that the same will be decided expeditiously.

8. With the above observation and direction, this appeal is disposed of.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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