

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13311 of 2017

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Satish Chandra Mishra son of Sri Surya Kant Mishra, resident of House No. 212, Indra Nagar, Rajapur Pool, Patna at present acting Head Master of Sarvodaya Gurukul Sanskrit High School Ramruch Nagar, Bairstonia, Sitamarhi.

... .. Petitioner/s

Versus

1. The Bihar Sanskrit Shiksha Board, Patna through its Secretary.
2. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
3. The Secretary, Bihar Sanskrit Shiksha Board, Patna.
4. The Special Director Sanskrit, Secondary Education, Education Department, Government of Bihar, Pat
5. The Joint Director, Secondary Education, Education Department, Government of Bihar, Bihar School Ex
6. The District Education Officer, Sitamarhi.
7. The Block Education Officer, Sitamarhi.
8. The Adhoc Managing Committee of through its Secretary Now its term lapsed, Sarvodaya Gurukul Sansk
9. Vinay Kumar S/o Nawal Kishore Prasad resident of Mahanthi Asthan, Ward No. 11, P.S. and Distt. - Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Jha, Adv. Mr. Ram Bahadur Jha, Adv.
For the BSSB	:	Mr.S.S. Sundram, Adv. Mr. Shashank Shekhar Jha, Adv.
For the State	:	Mr. J.K. Roy-1, SC 13
For the Respondent No.9	:	Mr. Taranath Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 31-01-2019 The learned counsel for the respective parties are in agreement that on account of there being certain legal lacuna in the notification dated 18.9.2015 on account of the fact that the Director (Administration) cum- Additional Secretary, Department of Education, Bihar might not be empowered to nominate an authority for hearing the appeals, rather it is the



Government which is authorized to do so as has been done by a notification dated 16.10.2017 issued by the Principal Secretary, Department of Education, Government of Bihar, under the orders of the Hon'ble Governor, hence it would be in the interest of every one that the impugned order dated 30.05.2017 passed by the appellate authority i.e. Joint Director, Secondary Education, Education Department, Government of Bihar, Patna is rescinded and the matter is remanded back to the appellate authority, which has now been validly nominated/ constituted by the orders of the Hon'ble Governor of the State of Bihar.

In order to give a quietus to the entire matter, without going into the merits of the case and without commenting about the order dated 18.09.2015, whereby and whereunder the Joint Director, Secondary Education, Education Department, Government of Bihar was nominated for hearing the appeal as also without opining about the impugned order dated 30.05.2017, I deem it fit and proper to set aside the impugned order dated 30.05.2017 passed by the Joint Director, Secondary Education, Education Department, Government of Bihar and remand the matter to the appellate authority, as existing as on date, for fresh examination of the case of the respondent no.9, after giving an opportunity of hearing to all the parties



concerned.

This order has been passed in presence and with consent of the learned counsel for the petitioner, learned counsel for the State and the learned counsel for the respondent no.9.

In order to facilitate quick disposal of the appeal, it is deemed proper to fix 22.02.2019 as the date for appearance of the parties before the appellate authority at 4 P.M. so that the appellate authority can chart out the mode and manner of hearing.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Tiwary/-

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