

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10024 of 2018

Onkar Nath Ojha, Son of Akhileshwar Ojha, Resident of Village + P.O.-
Ankuri, P.S. Paliganj, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Chairman, Bihar Sanskrit Siksha Board, Patna
4. The Secretary, Bihar Sanskrit Siksha Board, Patna.
5. The District Education Officer, Patna.
6. The Block Education Extension Officer Paliganj, Patna.
7. The Area Education Officer, Bikram, District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kali Prasana Dubey, Advocate
		Mr. Vinod Pandey, Advocate
For the Respondent/s	:	Mr. Hitesh Suman, AC to SC-13
For the BSSB	:	Mr. Shashank Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 08-08-2019 Heard learned counsel for the petitioner and the respondents.

The Special Director/Joint Director of Education Department, being the Ex-officio member of the Bihar Sanskrit Shiksha Board is not competent to sit in appeal against the decision of the Board and as such the Special Director/Joint Director of the Education Department has no jurisdiction to decide the appeal. The decision rendered by the Special Director/Joint Director is nullity as held out in numerous cases by this Court.



Considering the order of the Appellate Authority passed in the instant case, the Court is of the view that the order passed by the Joint Director (Secondary Education), Education Department is nullity in the eye of law. The order as contained in Annexure-22 is hereby quashed. The matter is remitted to the Special Secretary of the Department, who has been authorized to hear appeal against the decision of the Sanskrit Shiksha Board.

The parties are at liberty to file additional affidavit before the Special Secretary for deciding afresh the appeal against the order of Sanskrit Shiksha Board.

Since the matter relates to payment of salary for the last several years, the Special Secretary is directed to dispose of the appeal on its own merit after hearing all stake holders including the petitioner within a maximum period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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