

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1420 of 2015

Narendra Kumar, son of Late Yamuna Prasad, resident of village- Rajauli, P.O. and P.S. Rajauli, District- Nawadah, at present residing at Gayatri Nagar, Road No. 2, P.O. and P.S.- Jamalpur, District- Munger at present working as Incharge Headmaster of Bharti Arya High School, Jamalpur, Munger.

... .. Appellant/s

Versus

1. The State of Bihar, through Principal Secretary, Human Resources Development Department, Having his office at New Secretariat, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Munger Division, Munger.
4. The District Officer-cum-Collector, Munger.
5. The District Education Officer, Munger.
6. The District Treasury Officer, Munger.
7. The School Managing Committee, Bharti Arya High School, Munger (through Secretary).
8. The Head Master, Bharti Arya High School, Munger.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Banwari Sharma, Adv.
		Mr. Sanjay Kumar Sinha, Adv.
For the Respondent-State:		Mr. Suraj Deo Yadav, AAG-9.
For the Respondent No.7 & 8:		Mr. Shiva Shankar Prasad Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)
Date : 21-01-2019

Heard Mr. Banwari Sharma, learned counsel appearing for the appellant-writ petitioner, Mr. Suraj Deo Yadav, learned Additional Advocate General No.9 for the State, and Mr. Shiv Shankar Prasad Singh, learned counsel appearing for the Managing Committee of the School.

A dispute between the two Managing Committees had laid the foundation for the writ petition and the learned Single Judge by the order impugned dated 24.06.2015 passed on the



writ petition arising from the CWJC No.3800 of 2015 relegated the parties to settle the dispute before the Civil Court of competent jurisdiction.

Mr. Sharma, learned counsel appearing for the appellant-writ petitioner in reference to the Bihar Grant Educational Institution Authority Rules, 2015 (hereinafter referred to as 'the Rules') submits that Rule 11 thereof provides for settlement of such disputes before the forum so constituted and thus the petitioner may be permitted to avail of the said remedy.

May be, since these rules got published in the Bihar Gazette (Extraordinary) only on 12.09.2017 and the Tribunal has also been constituted subsequently as per the submission of Mr. Sharma, the learned Single Judge was not apprised of the same nor this aspect of the matter was canvassed but since now the State has provided a forum for resolution of such dispute, we modify the order passed by the learned Single Judge to allow the appellant- writ petitioner to espouse his grievance before the forum so constituted under 'the Rules' referred to above.

It goes without saying that since the limitation for exhausting such remedy has expired in the meanwhile, should the petitioner approach the Tribunal within 30 days from today



together with a petition for condonation of delay, the Tribunal shall consider and dispose of the same on merit in accordance with law after hearing the contesting parties bearing in mind the pendency of the matter before this Court. The order of the learned Single Judge stands modified to that extent only.

The appeal is allowed to the extent indicated above.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Skpathak/Anjula

AFR/NAFR	NAFR
CAV DATE	NA
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