

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.112 of 2018

In

Civil Writ Jurisdiction Case No.14603 of 2017

Suresh Kumar Pandey S/o Late Kailash Pandey Resident of Village P.O. -
Kushhar, P.S. - Turkaulia, District - East Champaran.

... .. Appellant/s

Versus

1. The State Of Bihar through the Secretary, Secondary Education, Govt. of Bihar, Patna.
2. The Joint Director, Secondary Education, Govt. of Bihar, Patna.
3. The Bihar Sanskrit Education Board through its Chairman, Back of Harding Road, Flat No. 17, Near Chitkohra Patna-1
4. The Chairman, Bihar Sanskrit Education Board through the Chairman, Back of Harding Road, Flat No. 17, Near Chitkohra Patna-1
5. The Secretary, Bihar Sanskrit Education Board through the Chairman, Back of Harding Road, Flat No. 17, Near Chitkohra Patna-1
6. The District Education Officer, East Champaran, District - East Champaran at Motihari.
7. The District Programme Officer Planning and Account, District - East Champaran at Motihari.
8. Arvind Kumar Singh Son of Late Bansh Bahadur Singh resident of Village Bakhari, P.O. Bakhari, P.S. Patahi, District - East Champaran.
9. Arvind Kumar Son of Late Ram Swarup Singh resident of Village and P.O. Betauna, P.S. Patahi, District - East Champaran.
10. Smt. Anjali Devi Wife of Arvind Kumar of Village and P.O. Betauna, P.S. Patahi, District - East Champaran.
11. The Block Development Officer, Patahi, District - East Champaran.
12. Shri Rabindra Singh, Asstt. Teacher, Ayodhya Sheo Narain Sanskrit School Bhitgharwa Math, Patahai, P.S. & P.O. Patahi, District - East Champaran.
13. Smt. Sangya Devi Wife of not known to the appellant resident of village + P.O. Bakhari, P.S. Patahi, District East Champaran.
14. Shri Anil Prasad Fathers name not known to the appellant resident of village Bhitgharwa Math Patahi, P.S. and P.O. Patahi, Dist. East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Atul Kumar Pandey
For the Respondent/s : Mr.Ashutosh Ranjan Pandey -Aag15

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 15-03-2019 Heard Shri Tara Nath Jha, learned counsel for the Appellant. The following order had been passed on 11th of March, 2019”

“Shri Binod Kumar, learned counsel has put in appearance on behalf of respondent No.8. Shri S.S. Sundaram is present for the Bihar Sanskrit Education Board.

Shri Binod Kumar informs the Court that since the tenure of the Committee, which he was representing and was contesting the matter, has already outlived its tenure in 2018 itself, therefore he no longer represents the Committee and there is no cause of action which now survives as against him.

Learned counsel for the Board also submits that if the tenure of the Committee has come to an end, then the litigation cannot be now allowed to continue as the matter has become infructuous by the passage of time.

Shri Jha, learned counsel for the appellant prays that he may be permitted to verify these facts from his client and inform the Court day after tomorrow.

Put up day after tomorrow (13.03.2019) under the heading “For Orders”.”



Today Shri Jha submits that since any action of the Committee of the management which was otherwise invalidly constituted would affect the legality or otherwise of its consequential actions, the appeal may be consigned without prejudice to the rights to any person aggrieved in respect of such action.

We accordingly consign this appeal to records inasmuch as the tenure of the Committee of Management, the dispute whereof had been raised has admittedly come to an end.

In the event any action has been taken by the Committee in its capacity as a Committee of Management and if any person is aggrieved by it, the dismissal of this appeal as infructuous will not be an impediment.

The appeal is dismissed as infructuous subject to above.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Jagdish/-Saif

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