

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10442 of 2017

Bishnu Dayal Sah son of Sakaldeep Sah, resident of Village P.O.- Ankuri,
Police Station- Paliganj, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Special Director, Secondary Education, Education Department, Bihar, Patna.
3. The Bihar Sanskrit Shiksha Board through its Chairman, Bihar Sanskrit Shiksha Board, Patna.
4. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
5. The Secretary, Bihar Sanskrit Shiksha Board, Patna.
6. The District Education Officer, Patna.
7. Managing Committee, Sri Kamla Prathmik Sah Madhya Vidyalaya, Ankuri, Patna through its Secretary Ankuri, Patna through its Secretary, Akhileshwar Ojha.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Jha, Sr. Advocate Mr. Santosh Kumar Verma, Advocate
For the State	:	Mr. Hari Mohan Mishra, AC to GP 27
For BSSB	:	Mr. S.S. Sundaram, Advocate Mr. Shashank Shekhar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 08-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the respondents.

The petitioner is aggrieved by the order contained in
Annexure-19, whereby the Special Director, Secondary
Education has passed order in appeal No. 44 of 2015.

The writ petition is to be allowed only for the simple
reason that this Court has held out in numerous cases that the
Special Director being the Ex-officio Member of the Bihar
Sanskrit Shiksha Board (hereinafter referred to as the 'Board')
as he is not competent to decide the appeal against the decision
of the Board.



The respondent-State has now authorized Special Secretary of the Education Department to hear the appeal against the decision of the Board.

In view of the fact that the Special Director is incompetent to decide the appeal against the decision of the Board, this writ petition has to succeed. Accordingly, Annexure-19 is quashed. The matter is remanded back to the Special Secretary of the Education Department to hear the appeal afresh and pass appropriate order in accordance with law without being influenced by the previous order passed by the Special Director. The parties, if so desire, may file additional affidavit in support of their respective cases.

Since the matter involves payment of salary pending for the last several years, the Special Secretary is directed to dispose of the appeal at the earliest preferably within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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