

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23621 of 2019

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Bodh Narayan Senior Secondary School Murlichandwa, Uda Kishunganj,
District- Madhepura through its Principal-Cum- Secretary Sri Abadhesh
Kumar Singh Son of late Sitaram Singh, resident of Village- Murlichandwa,
P.O. Murlichandwa, P.S. Uda Kishunganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Bihar School Examination Board (Senior Secondary) Budh Marg
through its Chairman.
3. The Affiliation Committee, Bihar School Examination Board (Senior
Secondary) Budh Marg through its Chairman.
4. The Chairman, Bihar School Examination Board, Patna.
5. The Director Academic (Senior Secondary), Bihar School Examination
Board, Budh Marg, Patna.
6. The Secretary, Bihar School Examination Board, Budh Marg, Patna.
7. The District Education Officer, Madhepura, P.S. and District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar, Adv. Mr.Dr. Sanjay Kumar Singh, Adv.
For the BSEB	:	Mr. Satyaveer Bharti, Adv.
For the State	:	Mr. Mrigendra Kumar, AC to GP-20

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 29-11-2019 Heard learned counsel for the parties.

2. The petitioner is aggrieved by an order dated
09.09.2019, passed by the Director (Academic), Bihar School
Examination Board, Patna(hereinafter referred to as ‘the Board’)
whereby request of the petitioner to enhance the number of seats
of Bodh Narayan Senior Secondary School, Murlichandwa,
Udakishunganj in the district of Madhepura has been rejected. It



is evident that the Director (Academic) heads one of the wings of the Board.

3. It has been rightly pointed out by the learned counsel appearing on behalf of the Board that the petitioner has alternative statutory remedy under Section 34 of the Bihar School Examination Board Act, 2019 whereunder the petitioner can approach the Chairman of the Board against the Director (Academic) who is the head of the Department of Academic wing of the Board. Sub-section (2) of Section 34 provides for an appeal before the Board against any order of the Chairman of the Board. Section 34 reads thus :-

“34. Appeal and Review.-(1) The Chairman shall have the power to revise any order passed by the Secretary or by the Head of Department of the respective wing.

(2) Any person being aggrieved from the order of the Chairman, may prefer an appeal before the Board.

(3) Any person being aggrieved from the order of the Secretary, may prefer an appeal before the Chairman

(4) There shall be no appeal against the orders of the Board, however the person aggrieved, may prefer a review before the Board.

(5) No appeal shall be entertained unless it is submitted within a period of two months from the date on which the appellant receives a copy of the order appealed against, provided that



the appellate authority may entertain the appeal after expiry of the said period if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.”

4. In view of the above, this application is disposed of with a liberty to the petitioner to seek statutory remedy under the provisions of Section 34 of the Act. If the petitioner makes his application under the provisions of Section 34 of the Act before the competent authority within a fortnight from today, the Court expects that the same would be decided expeditiously, in any case, before commencement of the next academic session.

(Chakradhari Sharan Singh, J)

Rajesh/-

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