

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2112 of 2016

In

Civil Writ Jurisdiction Case No.6368 of 2015

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Ramendra Mohan Sinha son of Late Indra Mohan Sinha, Doner Member and Secretary of Dwarika Bindeshwari Munderwati Inter College, Mansoorchak, Begusarai, presently residing at Mohoalla- Mungeriganj, Opposite Judicial Colony, at, P.O. and P.S. Begusarai, District Begusarai, Bihar.

... ... Appellant

Versus

1. The State Of Bihar through the Principal Secretary, Higher Secondary Education, Government of Bihar, Patna.
2. Chairman, Bihar School Examination Board (High Secondary), Budh Marg, Patna- 1.
3. Secretary, Bihar School Examination Board (Higher Secondary), Budh Marg, Patna- 1.
4. District Education Officer, District Begusarai.
5. Bhola Kumar Mishra, Incharge Principal, Dwarika Bindeshwari Munderwati Inter College, at and P.O. Mansoorchak, District Begusarai,
6. Branch Manager, UCO Bank, Mansurchak, Begusarai.

... ... Respondents

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Appearance :

For the Appellant : Mr. Ashok Kumar, Advocate
For the Respondents : Ms. Namrta Mishra, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

14 07-01-2020 Heard learned counsel for the appellant and learned counsel for the respondents.

The present memorandum of appeal is directed against the judgment dated 3rd October, 2016 passed by the learned Single Judge in CWJC No. 6368 of 2015 whereby the writ petition filed by the appellant has been dismissed.

The impugned judgment dated 03.10.2016 passed in



CWJC No. 6368 of 2015 is reproduced herein as under:-

“Heard learned counsels for the parties.

The grievance of the petitioner against the reconstitution and creation of an adhoc managing committee of the college, in question, is the cause of action in the present writ application. Petitioner wants quashing of the same.

From the stand taken by the respondent-Examination Board, it seems that the previous constituted committee could never become effective and given final status, because the Incharge Principal was not being appointed by the managing committee for a long long period of time. In absence of an Incharge, the day to day functioning of the school was getting affected. When it was not done, to fill up such vacuum, the reconstitution was done in December, 2014.

In view of the above, no interference is warranted. But the Examination Board would be well advised to constitute a permanent managing committee in accordance with law, i.e., according to 2015 Regulation, which is in place, now, because adhocism is anti-thesis to good governance.

Writ application stands dismissed with observation/direction as above.”

We do not find any infirmity with the impugned judgment and as such, we dispose of the present appeal with a direction that if the Committee, in terms of the Regulation, has not yet been constituted, the same shall be so done within a period of two months from today.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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