

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1040 of 2018

In

Civil Writ Jurisdiction Case No.19199 of 2010

Subodh Jha S/o Diwakar Jha, R/o Vill and P.O.- Madhopur Via Majhauria,
P.S.- Bathna, Distt- Sitamarhi, Former Assistant Teacher, Sri Chandar Mishra
Sanaskrit Prathamik Cum Madyavidyalaya, Kodarkat, P.O.- Singarahiya, P.S.-
Bathnaha, Dist- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Special Secretary, Secondary Education, Human Resources Development Department, Bihar, Patna cum Appellate Authority.
3. Chairman, Bihar Sanskrit Shiksha Board, Patna.
4. Secretary, Bihar Sanskrit Shiksha Board, Patna.
5. Managing Committee of Sri Chander Mishra Sanskrit Parambhik cum Madhya Vidyalaya, Kodarkat, P.S.- Bathaha, Dist. Sitamarhi through its Secretary.
6. Headmaster Sri Chander Mishra Sanskrit Prathamik cum Madhya Vidyalay, Kodarkat, P.S.- Bathnaha, Dist. Sitamarhi.
7. Ram Naresh Jha, S/o Shambhunath Jha, R/o Vill- Singarahiya, P.s.- Sahiyara, Dist. Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Yogendra Mishra, Sr. Adv.
For the State : Mr. Shashi Shekhar Tiwary, AAG-15
For the Board : Mr. S.S. Sundaram, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 04-02-2020

Heard learned counsel for the parties.

It appears from the affidavit that the petitioner has attained the age of 64 years i.e. already he has crossed the age of superannuation. The litigation is coming from 1989 but, the dispute with regard to validly constituted Managing Committee has not been decided as yet and the learned Single Judge has already refused to



accede the prayer of the appellant. At this juncture, the order of the appellate authority i.e. the order of the Board is faulty on the ground that the Chairman's order has been approved and no independent order has been passed by the Board.

We do not find any error in the order passed by the learned Single Judge as the issue is of the year 1989 and this chapter should be closed finally.

Let the Sanskrit Shiksha Board should decide the lis and complete its entire process as has rightly been held by the appellate authority that the order passed by the Chairman, mere approval of the same cannot be the order of the Board. Hence, this Court gives direction to the Board to decide the dispute of the Managing Committee within a period of two months from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this appeal is disposed of.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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