

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.645 of 2018

In

Civil Writ Jurisdiction Case No.9372 of 2006

Basistha Mani Pathak, Son of Late Gupteshwar Pathak, Assistant Teacher of
Sri Gupteshwar Nath Sanskrit Madhyamik Vidyalaya, Bhadrshila, P.S.- Sheo
Sagar, District- Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna.
3. The Deputy Director, Secondary Education In-charge Sanskrit Shiksha, New Secretariat, Patna.
4. The Bihar Sanskrit Shiksha Board through its Secretary, Boring Canal Road, Patna.
5. The Managing Committee of Gupteshwar Nath Sanskrit Vidyalaya, Bhadrashila, Rohtas through its Secre
6. Kameshwar Chaubey, Son of Late Namdhari Chaubey (Alleged) Secretary to the Vidyalaya Management Committee of Sri Gupteshwar Nath Sanskrit High Madhyamik Vidyalaya, Bhadrashila, Rohtas.
7. Sri Ram Pandey, Assistant Teacher, Sri Gupteshwar Nath Sanskrit High Madhyamik Vidyalaya, Bhadrash
8. District Education Officer, Rohtas at present Sasaram, District- Sasaram.
9. Kanhaiya Tiwari, Son of Late Rajghir Tiwary, Resident of Village- Parsurampur, P.O.- Dhanpokhar, P.S.- Bhabhua, District- Bhabhua Kaimur at present Head Master of Sri Gupteshwar Nath Sanskrit High Madhyamik Vidyalaya, Bhadrashila, Shivsagar, District- Rohtas.
10. Deep Narain Singh, Son of Late Kedar Singh, Resident of Village- Parsurampur, P.O.- Dhanpokhar, P.S.- Rohtas, District- Rohats, Assistant Teacher, Sri Gupteshwar Nath Sanskrit High Madhyamik Vidyalaya, Bhadrashila, Shivsagar, District- Rohtas.

... .. Respondent/s



Appearance :

For the Appellant/s : Mr. Dhanendra Chaubey
For the Respondent/s : Mr. Ashutosh Ranjan Pandey -AAG-15

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

5 04-02-2020 Heard Mr. Dhanendra Chaubey, learned counsel for
the appellant and Mr. Satyam Shivam Sundaram, learned AC to
AAG-15 for the respondent-State.

Re.: -I.A. No. 5137 of 2018/01 of 2018

The above mentioned Interlocutory Application has
been preferred for condonation of delay of 49 days in filing the
instant appeal.

On the ground mentioned in the Interlocutory
Application, showing sufficient reason for not filing the instant
appeal within stipulated period, delay of 49 days in filing the
instant appeal is hereby condoned.

Accordingly, I.A. No. 5137 of 2018/01 of 2018 is
disposed of.

Re.: - L.P.A. No. 645 of 2018

The instant appeal has been preferred against the
judgment dated 13.02.2018, passed in C.W.J.C. No. 9372 of
2006, whereby the order dated 10.07.2006, passed by
respondent no.3, the Deputy Director, Secondary Education,



(Incharge Sanskrit Shiksha) in Appeal No. 06 of 2004 has been set aside, whereby order of the Chairman of the Bihar Sanskrit Shiksha Board, bearing Memo No. 1302 dated 22.05.2004 was quashed and it was further held that the constitution of the Ad-hoc managing committee of the school is irregular and illegal, the advertisement made by the Managing Committee is defective, the appointment of the petitioner no.1-respondent no.9 on the vacant/sanctioned post of Headmaster of the school in question is also not legal.

The impugned judgment passed by the learned Single Judge has been challenged in the present appeal by the appellant Basistha Mani Pathak, who was respondent no.8 in the writ application. This is not in dispute that respondent no.9, Kanhaiya Tiwary, who was petitioner no.1 in the writ application has already superannuated.

The issue in the writ application was only with regard to appointment of respondent no.9, on the post of Headmaster of Sri Gupteshwar Nath Sanskrit (High) Madhyamik Vidyalaya, Bhadrashila in the district of Rohtas, who has already retired and the appellant has been made In-Charge Headmaster of the School in question, hence, the instant appeal has become infructuous.



Accordingly, the instant appeal is dismissed as
infructuous.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

Amrendra/-

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