

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7232 of 2020

Prof. Vijay Shankar Rai Mahila College Sherghati (Gaya) through its Principal Vimla Rai aged about 56 years (Female), Wife of Vijay Shankar Rai, resident of Tola Naya Bazar, Sherghati, P.S. and P.O. Sherghati, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Director, Secondary Education, Department of Education, Government of Bihar, New Secretariat, Patna.
3. Bihar School Examination Board through its Secretary, Budha Marg, Patna.
4. The Chairman, Bihar School Examination Board, Budha Marg, Patna.
5. The Secretary, Bihar School Examination Board, Budha Marg, Patna.
6. The Director (academic), Bihar School Examination Board, Budha Marg, Patna.
7. District Education Officer, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Shailendra Kumar Singh, Adv.
For the BSEB	:	Mr. Satyabir Bharti, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 29-10-2021 Heard Mr. P. K. Shahi, learned senior counsel for the petitioner and Mr. Satyabir Bharti, leaned counsel for the Bihar School Examination Board *via* virtual mode.

2. Petitioner has filed the present writ application challenging the letter dated 26.02.2020 (Annexure-3) by which affiliation of the college in question has been suspended and Respondent No. 6 directed the petitioner-college to file a detailed show-cause as to why the affiliation granted to the college be not withdrawn.

3. Learned senior counsel for the petitioner submits that the show-cause in question was dispatched through registered post by the Board on 07.02.2020 which was received



by the petitioner on 10.02.2020 and the petitioner submitted its reply on 12.02.2020. Learned counsel next submits that Respondent-Board had granted only three days time to the petitioner to submit its explanation to the show-cause *vide* letter dated 07.02.2020 which was received by the petitioner on 10.02.2020 and the order of suspension of affiliation has been passed on 17.02.2020 issued *vide* Letter dated 26.02.2020 stating therein that no reply to the show-cause has been filed by the petitioner-college within time and exercising power purported to be under Section 19 (3) of the Bihar School Examination Board Act, 2019, the Board suspended the affiliation of the college in question.

4. On the other hand, learned counsel for the Board submits that the fact of the matter is that the petitioner-college has illegally admitted 314 students in excess of the allotted seats to the college/institution and the Principal of the college in question has also illegally realized money from the extra students for their registration and examination of intermediate Annual Examination 2020. He further submits that the order of the suspension was passed on 17.02.2020 and since then no student has been admitted in the college.

5. Learned counsel next submits that pursuant to the



impugned order while suspending the affiliation of the college, the petitioner was directed to file show-cause which has not yet been filed by the college.

6. Accordingly, the submission of learned counsel for the Respondent/Board is that if a detailed show-cause is filed within a period of two weeks, the Board will dispose the same in accordance with law within a further period of four weeks.

7. Regard being had to the submission of the parties, let a detailed show-cause be filed by the petitioner-college pursuant to Annexure-3 within a period of two weeks and if the show-cause is filed by the petitioner-college, the same shall be disposed by the Board within a further period of four weeks.

8. It is made clear that if no final order is passed by the Board within a period of aforesaid four weeks from the date of submission of the show-cause/explanation by the petitioner-college, the suspension order shall stand revoked.

9. With the aforesaid observation and direction, the present writ application is disposed of.

(Anil Kumar Sinha, J)

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