

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1618 of 2022

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Rama Shankar Rai son of Late Kapil Deo Rai, resident of Village-Simri
(Dudhipatti), Police Station-Simri, District-Buxar.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Director, Secondary Education, Bihar, Patna.
3. The Special Secretary, (Secondary Education), Bihar, Patna.
4. The Special Director (Secondary Education), Bihar, Patna.
5. The Chairman, Bihar Sanskrit Siksha Board, Patna.
6. The Secretary, Bihar Sanskrit Siksha Board, Patna.
7. The Managing Committee of Sri Ram Chandra Sanskrit Prathmik Sah High School, Simri, Buxar, P.O. and P.S. Simri, District-Buxar.
8. The Secretary of the Managing Committee of Sri Ram Chandra Sanskrit Prathmik Sah High School, Simri, Buxar, P.O. and P.S. Simri, District-Buxar.
9. Harendra Pandey, son of Late Kalika Pandey, resident of Village-Simri Ramopatti, P.O. and P.S.-Simri, District-Buxar.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Shree Kant Pandey, Advocate
For the Respondent/s	:	Smt. Shilpa Singh (Ga12)
For BSSB	:	Mr. Satyam Shivam Sundram, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL JUDGMENT

Date : 08-03-2022

The petitioner assails the order passed by the Appellate Tribunal whereby it has declared the appeal to have become infructuous with further direction to the authority to give opportunity of hearing to the petitioner/appellant and after conducting a fair enquiry pass a fresh order within a period of two months.



The learned counsel for the petitioner submits that the Appellate Tribunal has stayed the order impugned whereby the person junior to the petitioner had been granted benefit of promotion as acting Headmaster. However, the issue which was not taken up by the petitioner in Appeal, was unnecessarily raising relating to his date of birth. He submits that there is no order made available to him with regard to withdrawing of the impugned order of promotion of the private respondent.

I have considered the submission and from perusal of the order it is apparent that vide order No. 750 dated 15.4.2019, the Bihar Sanskrit Shiksha Board has withdrawn the order of promotion granted to the person junior to the petitioner. The Tribunal has also noticed the fact which has been taken up by the private respondent in his counter affidavit with regard to the question of date of birth of the petitioner. Although, in a appeal preferred by the petitioner there was no occasion for the Tribunal to have gone into the issue regarding the date of birth, taking into consideration that the very issue raised by the petitioner has become redundant after withdrawal the order dated 15.4.2019. As on today, there is no issue which requires to be decided by the Tribunal and the Tribunal has rightly dismissed the appeal as having become infructuous. The



observation directing the Sanskrit Shiksha Board to give an opportunity of hearing to the petitioner before passing any order, cannot be said to be in any manner unjustified or illegal.

In this view of the matter, no case for interference is made out. It is devoid of merit and thus dismissed.

(Sanjeev Prakash Sharma, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.03.2022
Transmission Date	NA

