

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1358 of 2018

In

Civil Writ Jurisdiction Case No.13128 of 2010

=====

Ravindra Kumar Singh S/o Dinanath Singh, Resident of Village- Giridhar
Baraon, P.S. Nawanagar, District- Buxar.

... .. Appellant/s

Versus

1. Surendra Prasad Ojha and Ors S/o Sri Yadunath Ojha, Resident of Village and P.O.- Nimez, P.S.- Brahmpur, District- Buxar.
2. The Bihar State Sanskrit Shiksha Board, through its Secretary having office at Boring Canal Road, P
3. The Chairman, Bihar State Sanskrit Shiksha Board, having its office at Boring Canal Road, Patna.
4. The Secretary, Bihar State Sanskrit Shiksha Board, having its office at Boring Canal Road, Patna.
5. The Special Director Secondary Education, Human Resources Development Department, now Education D
6. The Managing Committee of the Rambriksha Sanskrit Primary Cum Secondary School Ghurhoopur, Brahmpur

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Janardan Pd. Singh, Sr. Advocate Mr. Anil Kumar Roy, Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey, AAG 15 Mr. Pradhan Murli Manohar, Advocate
For Sanskrit Board	:	Mr. Satyam Shivam Sundaram, Advocate
For State	:	Mr. Shashi Shekhar Tiwary, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 12-12-2022

Heard learned counsels for the respective parties.



2. In the instant appeal, appellant has assailed the order of the learned Single Judge dated 20.06.2018 passed in C.W.J.C. No. 13128 of 2010. Appellant – Ravindra Kumar Singh who is stated to have working in the Rambriksha Sanskrit Primary-cum-Secondary School, Ghurhoopur, Barhpur, Buxar (for short ‘Sanskriti Institute’), his services were dispensed on 25.01.2008 *vide* Annexure – 5. Feeling aggrieved and dissatisfied with the dispensing of his services on 25.01.2008, he preferred memorandum of appeal before the appellate authority namely The Special Director (Secondary Education), Human Resources Development Department, (now Education Department) Government of Bihar, Patna. Memorandum of appeal filed by Shri. Ravindra Kumar Singh – appellant was allowed.

3. Feeling aggrieved and dissatisfied with the order of the appellate authority dated 09.07.2010, respondent – Surendra Prasad Ojha who was a Headmaster of the Sanskrit Institute preferred C.W.J.C. No. 13128 of 2010. It is submitted on behalf of institution that appellate authority – The Special Director has not heard the Headmaster of the institution. The same was taken note of by the learned Single Judge and proceeded to allow C.W.J.C. No. 13128 of 2018 while remanding the matter to the appellate authority. Feeling aggrieved and dissatisfied with the order of the



learned Single Judge, appellant – Ravindra Kumar Singh presented this L.P.A.

4. Learned counsel for the appellant could not apprise this Court as to how order of the learned Single Judge is arbitrary. On the other hand, learned counsel for the appellant keep on harping that respondent – Surendra Prasad Ojha's appointment itself is under cloud and it was a subject matter of litigation before this Court and he is stated to have suffered orders, therefore, he is not the concerned person to be heard in this matter. The aforesaid contention cannot be appreciated for the simple reason that service conditions of Surendra Prasad Ojha is not the subject matter of litigation in the present matter. That apart, Surendra Prasad Ojha was party before the appellate authority in the capacity of Headmaster of the Sanskrit Institute, therefore, we find no infirmity in the order of the learned Single Judge. Accordingly, appeal stands dismissed.

5. The appellate authority is hereby directed to decide the appellant's memorandum of appeal afresh within a period of four months from the date of receipt of this order after giving ample opportunity of hearing to Shri. Ravindra Kumar Singh and others including Headmaster of the Institute (irrespective of



whether Surendra Prasasd Ojha or any other person who is holder
of the post of Headmaster in Sanskrit Institute).

(P. B. Bajanthri, J)

(Purnendu Singh, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	15.12.2022
Transmission Date	

