

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14338 of 2016

1. Birenndra Singh, Son of Late Ram Nihora Singh, Resident of Village P.O.- Fatahpur, P.S.District- Shivhar at present Lecturer and Head of the Department of Economics, R.R. College, Shivhar.
2. Om Prakash Singh, Son of Late Rameshwar Prasad Singh, Resident of Village- Pachara, P.O. Chhatauni, P.S.- Minapur, District- Shivhar at present Principal Jugal Kishore Jai Mangal College, Tariyani, District- Shivhar.
3. Gayanendra Nath Trivedi, Son of Shri Raghwendra Nath Trivedi, Resident of Village- Bhavdeopur, P.S.District- Sitamarhi at present Lecturer, Thakur Jugal Kishore Singh College, Sitamarhi.
4. Harendra Sharma, Son of Late Kapildeo Sharma, Resident of Mohalla- Param Hansh Nagar, Mela Road, Bhavdeopur P.S.District- Sitamarhi at present Lecturer in the Department of Mathematics Mahanth Param Hansh Das Mahila College, Sitamarhi.
5. Ram Naresh Prasad Singh, Son of Late Ramchandra Prasad Singh, Resident of Mohalla- Ward No. 18, Sitamarhi, P.O. P.S.District- Sitamarhi at present Principal, R.Jha College, Sitamarhi.
6. Ramkalewar Ray, Son of Late Jagdeo Ray, Resident of Village- Dosia, P.S. Sonebarsha, District- Sitamarhi at present Principal, R.R.M. Yadav College, Sitamarhi, District- Sitamarhi.
7. Ram Shereshta Bhagat, Son of Late Ram Bilash Bhagat, Resident of Village- Parsa Mahind, P.S. Sonebarsha, District- Sitamarhi at present Principal, M.K. College, Bhutahi, Sitamarhi, District- Sitamarhi.
8. Kaushal Kishore Singh, Son of Shri Rajendra Singh, Resident of Village- Lonahi, P.S. Parihar, District- Sitamarhi at present Principal, Indal Singh Navin, R.K.P.L.D. Kishan College, Bariyarpur, Sitamarhi, District- Sitamarhi.
9. Gayanendra Lal Verma, Son of Late Ram Narayan Lal, Resident of Village- Jhajninal, P.S. Pupri, District- Sitamarhi at present H.O.D. of Biology, Pandit Din Dayal Upadhyai Memorial Inter College, Bairgania, Sitamarhi.
10. Jagjiwan Pandit, Son of Late Asharfi Pandit, Resident of Village- Dumarwana, Bairgania, P.S. Bairgania, District- Sitamarhi at present Principal, Ram Bilash Prasad Inter College, Bairgania, Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chancellor of the Universities Cum Governor of the State, Bihar.
3. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
4. The Director, Higher Education, Government of Bihar, Patna.
5. The Director, Secondary Education, Government of Bihar, Patna.
6. The Bihar School Examination Board Higher Secondary Bihar through its



Secretary.

7. The Chairman, Bihar School Examination Board, Bihar.
8. The Secretary, Bihar School Examination Board, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bishnu Kant Dubey, Advocate Mr. Lalmani Sharma, Advocate Mr. Ranjeet Kumar, Advocate
For the Respondent/s	:	Mr. Gyan Shankar, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 29-08-2022

The petitioners have prayed for the following
relief/s :-

That this is an application for issuance
of a writ in the nature of certiorari to
quash the Bihar Intermediate Education
Council (Repeal) Act, 2007 by which the
Bihar Intermediate Education Council Act,
1992 has been repealed in the name of and
with a view to restructure Intermediate
Level Education and as such it has become
necessary to repeal the act and in the
name of implementing the National Policy
of Education 1986 (as modified in the year
1992) for following the 10+2+3 pattern of



the education and for issuance of writ in the nature of mandamus directing and commanding respondents not to interfere with the Bihar Intermediate Education Council Act, 1992 which act was promulgated to establish Intermediate Education Council for the purpose of bringing uniformity in Intermediate Education in the State of Bihar for establishing coördination between different institutions managing the Intermediate Education, separating Intermediate Education from the Universities and for proper conduct, management and control of Educational Institution of Intermediate standard as also not to interfere with the rule popularly known as Bihar Intermediate Education Council (Establishment of Colleges and Conduct of Examination) Rules 1994 which rule was prepared in ^{ex}Excise of power conferred in the aforesaid act as also directing the respondents to the



effect that since Intermediate Act, 1992 was promulgated for the implementation of National Policy of Education 1986 as amended in the year 1992 also by which structure of Education 10+2+3 system was admitted and till the date there is no change in the said National Policy with respect to 10+2+3 Education System or in alternative for a direction to the respondents to frame the separate service conditions of the teaching and non-teaching employees of the Inter level (+2) without interfering in their service conditions and or for issuance of a writ/writs, order/orders, direction/directions for which the petitioners may be found legally entitled to under the facts and circumstances stated here-in-under.

Learned counsel for the petitioners states that petitioners shall be content if the petitioners are permitted to



withdraw the present petition reserving liberty to invite attention of the authorities of the decision rendered by this Court in LPA No. 1685 of 2012, titled as **Sudhanshu Singh Vs. the State of Bihar and Ors.** and its binding effect on the petitioners attending facts and circumstances.

Respondents have no objection to the same.

As and when any such request is received by the respondents, the same shall be considered and decided in accordance with law within a period three months thereafter.

Liberty reserved to the petitioners to take recourse to appropriate remedies as are otherwise available, in accordance with law, should the need so arise subsequently.

The present petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	31.08.2022
Transmission Date	

