

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.875 of 2019

In

Civil Writ Jurisdiction Case No.379 of 2019

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1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.
 2. The Chairman Bihar School Examination Board, Patna
 3. The Secretary Bihar School Examination Board, Patna

... .. Appellant/s

Versus

Rambalak Prasad Singh Dropadi Devi Madhyamik Ucharat Madhyamik Vidhyalya Khutha Dih, Lakhisarai, through its president Rambalak Prasad Singh, son of Vijaynandan Singh, Resident of Village- Near Pawar House, Karayanand Nagar, Kautoha, P.O.- Kautoha, P.S.- Bnadahia, Distt.- Lakhisarai

... .. Respondent/s

with

Letters Patent Appeal No. 836 of 2019

In

Civil Writ Jurisdiction Case No.884 of 2019

-
1. The Bihar School Examination Board Buddha Marg, Patna, through its Chairman, Patna
 2. The Chairman Bihar School Examination Board, Patna
 3. The Secretary Bihar School Examination Board, Patna

... .. Appellant/s

Versus

Ideal Public Senior Secondary School Manppur, District-Gaya through its Secretary Ajay Kumar son of Mohan Prasad Resident of Village Mastalipur, P.O. Bara Gandhar, P.S. Muffasil, District-Gaya

... .. Respondent/s

with

Letters Patent Appeal No. 864 of 2019

In

Civil Writ Jurisdiction Case No.5366 of 2019

-
1. The Bihar School Examination Board Fraser Road, Patna through its Chairman.
 2. The Secretary, Bihar School Examination Board, Fraser Road, Patna.
 3. The Affiliation Committee of the Bihar School Examination Board, Fraser Road, Patna.

... .. Appellant/s



Versus

1. Janardhan Uchhtar Madhyamik (plus 2) Vidyalaya Musharwa, Narkatiyaganj, District- West Champaran, through its Secretary, Pramod Kumar Chaubey, Son of Late Janak Chaubey, Resident of Mohalla-Banuchhapar Devnagar, Ward No.11, P.S.- Muffasil Bettiah, District- West Champaran.
2. The District Magistrate, West Champaran, Bihar.
3. The District Education Officer, West Champaran, Bihar.
4. The State of Bihar Through the Principal Secretary Department of Education, Govt. of Bihar, Patna.

... ... Respondent/s

with

Letters Patent Appeal No. 865 of 2019
In
Civil Writ Jurisdiction Case No.455 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Secretary, Patna
2. The Chairman Bihar School Examination Board Buddha Marg, Patna
3. The Secretary Bihar School Examination Board Buddha Marg, Patna

... ... Appellant/s

Versus

Bindu Singh Kanya Uchhtar Madhyamik (10 Plus 2) Vidyalaya Muzzafarpur Malahi, District- Vaishali represented its Secretary, Vikram Kumar Singh, Son of Shri Veer Narayan Singh, Resident of Village- MuzzafarpurMalahi, P.O.- Hansikewal, P.S.- Bhagwanpur Distt.- Vaishali

... ... Respondent/s

with

Letters Patent Appeal No. 866 of 2019
In
Civil Writ Jurisdiction Case No.5665 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.
2. The Chairman Bihar School Examination Board, Patna.
3. The Secretary Bihar School Examination Board, Patna.

... ... Appellant/s

Versus

S.M.P. Uchach Madhyamik School Fatehpur, Gaya through its Principal Rakesh Kumar aged about 43 years (M), Son of Mahadeo Prasad, Resident of Village-Khiri, P.O. Jethion, P.S. Atari, District Gaya.

... ... Respondent/s

with



Letters Patent Appeal No. 867 of 2019
In
Civil Writ Jurisdiction Case No.23767 of 2018

1. The Bihar School Examination Board Fraser Road, Patna through its Chairman
2. The Chairman Bihar School Examination Board, Patna
3. The Secretary Bihar School Examination Board, Fraser Road, Patna

... .. Appellant/s

Versus

Om Shanti Uachh Mahavidhyalya Ganeshchowk, Itama, Mohanpur, District-Gaya, through its Secretary Anil Kumar, S/o Sahdeo Yadav, R/o Village Ganesh Chak, P.S.-Itama, District-Gaya

... .. Respondent/s

with
Letters Patent Appeal No. 868 of 2019
In
Civil Writ Jurisdiction Case No.590 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Secretary, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Bhikhar Ray Balika Uchhatar Madhyamik Vidyalay Patepur (Vaishali), through the Chairman of the Managing Committee, namely, Bhikhar Ray aged about 71 years, Son of Late Ram Dev Ray, Resident of Village- Basti Khowajpur, P.O.- Pastara, P.S.- Baligaon, District- Vaishali.

... .. Respondent/s

with
Letters Patent Appeal No. 870 of 2019
In
Civil Writ Jurisdiction Case No.7885 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Bindeshwari Prasad Memorial Sinior Secondary School Maranchi, Paraiyya, Gaya, through its Teacher Akash Dayal, aged about 26 years (M), Son of



Sunil Kumar, Resident of village and P.O.- Maranchi, P.S. - Paraiyya, District-Gaya.

... .. Respondent/s

with
Letters Patent Appeal No. 876 of 2019
In
Civil Writ Jurisdiction Case No.3051 of 2019

1. The Bihar School Examination Board Buddha marg, Patna through its Chairman, Patna
2. The Chairman Bihar School Examination Board, Patna
3. The Secretary Bihar School Examination Board, Patna

... .. Appellant/s

Versus

Mithilesh Paswan U. M. V. Gurua Gaya, through its Principal Prithviraj Kumar aged about 45 years (M), Son of Kali Ram, resident of Village-Chourhar, Gaya, Civil Aerodram, P.S. Magadh Medical, District-Gaya

... .. Respondent/s

with
Letters Patent Appeal No. 879 of 2019
In
Civil Writ Jurisdiction Case No.5922 of 2019

1. The Bihar Shcool Examination Board Buddha Marg, Patna through its Chairman Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Mano Mathura Uchh Madhyamik Vidhyalya Malichak Warisaliganj, Nawada through its President Dr. Ramanuj Prasad, Son of Kamta Prasad Singh, R/o Village- Malichak, P.O. and P.S.- Warisaliganj, District- Nawada.

... .. Respondent/s

with
Letters Patent Appeal No. 880 of 2019
In
Civil Writ Jurisdiction Case No.530 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.



... .. Appellant/s

Versus

Gopal Prasad Yadav Uchach Madhyamik Vidyalaya near Magadh Medical College, Gaya through its President, Dharm Prakash, S/o Sri Gopal Prasad Yadav, R/o Chiraiyatar, P.O. and P.S.- Rampur, District- Gaya.

... .. Respondent/s

with

Letters Patent Appeal No. 881 of 2019
In
Civil Writ Jurisdiction Case No.874 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.
2. The Chairman, Bihar School Examination Board, Patna
3. The Secretary, Bihar School Examination Board, Patna

... .. Appellant/s

Versus

Anjali, (plus 2), U. M. Vidhyalya Bypass Road, Kajichak, District-Gaya through its Principal Vinay Kumar son of Garib Das, R/o Ghugharitand, Chand Chaura, Vishnupad, Raj Kumar Nagar, Gaya, Dist. Gaya

... .. Respondent/s

with

Letters Patent Appeal No. 882 of 2019
In
Civil Writ Jurisdiction Case No.1965 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna
2. The Chairman, Bihar School Examination Board, Patna
3. The Secretary, Bihar School Examination Board, Patna

... .. Appellant/s

Versus

Manjoor Alam Ucchar Madhyamik Vidhyalya Anti Gaya, through its Principal Sunil Kumar Singh aged about 49 years, 1 son of Siddhanath Singh, resident of Santhua, PS Rafiganj, Dist. Aurangabad, Bihar,

... .. Respondent/s

with

Letters Patent Appeal No. 883 of 2019
In
Civil Writ Jurisdiction Case No.534 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.



2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Ucchatar Madhyamik School (Plus 2), Kabar, Anti Gaya through its Secretary Ramesh Kumar, S/o Ramchandra Yadav, R/o Near M.S.Y. College, Bhatbigha, Co.Operative Colony, Ashok Nagar, Anti, P.O.- Kabar, P.S. Anti, District- Gaya.

... .. Respondent/s

with

Letters Patent Appeal No. 884 of 2019
In
Civil Writ Jurisdiction Case No.407 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna
2. The Chairman Bihar School Examination Board, Patna
3. The Secretary Bihar School Examination Board, Patna

... .. Appellant/s

Versus

Jagdishwar Nath Daftuaar U. M. V. AMAS, GAYA through its Principal Archana Kumari, W/o Satyajeet Kumar, R/o Pindri, Dariaura, Gaya, Dariaura, Distt.- Gaya, Bihar

... .. Respondent/s

with

Letters Patent Appeal No. 885 of 2019
In
Civil Writ Jurisdiction Case No.795 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.
2. The Chairman Bihar School Examination Board, Patna
3. The Secretary The Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Dr. Mahendra Prasad Memorial U. M. V. Dariyapur, Cherki through its Secretary Jugal Kishor Son of Mahendra Prasad Resident of Dariyapur, Cherki, P.S. Sherghat, District- Gaya.

... .. Respondent/s

with

Letters Patent Appeal No. 887 of 2019
In
Civil Writ Jurisdiction Case No.414 of 2019



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1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.
 2. The Chairman Bihar School Examination Board, Patna.
 3. The Secretary Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Santosh Uchh Madhyamik (plus 2) School Guraru, District- Gaya through its Principal Santosh Kumar S/o Indradeo Yadav, resident of Village and P.O. Digghi, P.S. Konch, District-Gaya.

... .. Respondent/s

with

Letters Patent Appeal No. 895 of 2019

In

Civil Writ Jurisdiction Case No.5857 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna
2. The Chairman Bihar School Examination Board, Patna
3. The Secretary Bihar School Examination Board, Patna

... .. Appellant/s

Versus

Sidheshwar Shanti Balika Uchh Vidhyalaya Pharheda, Fuldih, Kaunkol, Nawada through its Present Syam Deo Narayan Singh aged about 65 years (M), Son of Late Sidheshwar Singh, R/o Village-Pharheda, Kawakol, P.O.- Fuldeeh, P.S. Rupaul, District-Nawada

... .. Respondent/s

with

Letters Patent Appeal No. 897 of 2019

In

Civil Writ Jurisdiction Case No.13367 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Gautam Buddha Ucchatar Madhyamik (Plus 2) Vidhyalya Khizarsarai, Gaya through its Principal Ravi Shankar aged about 29 years (M), son of Mahendra Kumar Sinha, Resident of Police Line Road, Gewal Gewal Bigha Bathan, P.O. and P.S.- Rampur, District- Gaya.



... .. Respondent/s

with
Letters Patent Appeal No. 898 of 2019
In
Civil Writ Jurisdiction Case No.14791 of 2017

1. The Bihar School Examination Board Patna through its Secretary, the Bihar School Examination Board, Patna
2. The Secretary the Bihar School Examination Board, Patna
3. The Chairman the Bihar School Examination Board, Patna
4. The Affiliation Committee of Bihar School Examination Board Patna, constituted under Rule 3 of the Bihar School Examination Board (Sr. Sec.) Affiliation Bylaws, 2013

... .. Appellant/s

Versus

1. Rambilash Sakla Devi Uchhtar Madyamik Vidyalaya Sawari, Jalalpur, Saran represented through its Principal, Amit Kumar Sharma, son of Shri Umesh Sharma, Resident of Village and P.O.-Kachnar, P.S.-Siswan, District-Siwan
2. The State of Bihar the Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Principal Secretary Department of Education, Government of Bihar, Patna
4. The Director Highly Secondary Education, Government of Bihar, Patna
5. The District Magistrate Saran at Chapra
6. The District Education Officer Saran at Chapra

... .. Respondent/s

with
Letters Patent Appeal No. 901 of 2019
In
Civil Writ Jurisdiction Case No.13724 of 2017

1. The Bihar School Examination Board (Senior Secondary) Buddha Marg, Patna through its Secretary
2. The Chairman Bihar School Examination Board (Senior Secondary), Buddha Marg, Patna
3. The Secretary Bihar School Examination Board (Senior Secondary), Buddha Marg, Patna

... .. Appellant/s

Versus

1. Swami Nath Babu Inter College Sonbarsa, Gopalganj Run by Sonbarsa



Educational and Charitable Trust, Sonbarsa, through its Chairman Ajay Prakash, Son of Late Nathu Sah, Resident of Village- Batardeh, Tola Chainpur, P.O. and P.S.- Barauli, Distt.- Gopalganj, Bihar

2. The State of Bihar Bihar
3. The Principal Secretary Education Department, Govt. of Bihar, Patna
4. The Director Secondary Education, Govt. of Bihar, Patna
5. The District Education Officer Gopalganj

... .. Respondent/s

with
Letters Patent Appeal No. 1016 of 2019
In
Civil Writ Jurisdiction Case No.5052 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Surendra Narayan Uchh Madhyamik plus 2 Vidhyalaya Narayan Nagar, Kharkhura, Nawada, Gaya through its Secretary, Surendra Kumar age about 50 years (M), S/o Narayan Prasad, R/o Sagarpur, near Ashok High School, Kharkhura, P.S. Makhadumapur, District- Gaya Bihar.

... .. Respondent/s

with
Letters Patent Appeal No. 1018 of 2019
In
Civil Writ Jurisdiction Case No.16670 of 2017

1. The Bihar School Examination Board, Patna through its Secretary, the Bihar School Examination Board through its Secretary, the Bihar School Examination Board, Patna
2. The Secretary, the Bihar School Examination Board, Patna
3. The Chairman, the Bihar School Examination Board, Patna.
4. The Affiliation Committee of Bihar School Examination Board, Patna, Constituted Under Rule 3 of the Bihar School Examination Board (Sr. SEc.) Affiliation Bylaws, 2013

... .. Appellant/s

Versus

1. Ramayan Rajkumar Devdhari Uchchatar Madhyamik Vidyalaya Fardahiya, P.O.-Dumarsan (Bangra), P.S.-Mashrakh, District-Saran represented through its Principal, Dr. Chhabila Rawat, S/o-Devdhari Rawat, resident of Mohalla-



Panchamandira, P.O.-P.S.-District-Siwan.

2. The State of Bihar through the Principal Secretary, Depaartment of education, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
4. The Director, Higher Secondary Education, Govt. of BIhar, Patna.
5. The District Magistrate, Saran at Chapra.
6. The Distirect Education Officer, Saran at Chapra.

... ... Respondent/s

with
Letters Patent Appeal No. 1019 of 2019
In
Civil Writ Jurisdiction Case No.8590 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna
2. The Chairman Bihar School Examination Board, Patna
3. The Secretary Bihar School Examination Board, Patna

... ... Appellant/s

Versus

Mahadeo Memorial Uchh Madyamik Vidhyalaya Bhare, Rajabigha, Fatehpur, Gaya, through its Principal Kamlesh Kumar aged about 30 years (M), Son of Naresh Sharma, Abgila Devi Asthan, Bhare, Buniad Ganj, P.S.-Fatehpur, Dist-Gaya

... ... Respondent/s

with
Letters Patent Appeal No. 1021 of 2019
In
Civil Writ Jurisdiction Case No.24144 of 2018

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... ... Appellant/s

Versus

Mahamaya Prajapati Gautami Mahila U. M. Vidyalaya Bodh Gaya through its Principal cum Secretary, Dr. Markandey Pandey, S/o Late Ramchandra Pandey, R/o Moh Ambedkar Nagar, Behind Bhojpur Transformer Factory, Police Line Road P.O. and P.S.- Rampur, District- Gaya.

... ... Respondent/s



with
Letters Patent Appeal No. 1022 of 2019
In
Civil Writ Jurisdiction Case No.14525 of 2017

The Secretary, Bihar School Examination Board Sinha Library Road, Patna.

... .. Appellant/s

Versus

1. Rameshwar Singh Son of Late Keshav Prasad Singh Resident Chilharuan, District Rohtas at Sasaram at Present Posted as Principal of Dr. Rameshwar, Tileshwari Senior Secondary School Goura P.O. Lilvanchh Dinara, District-Rohtas.
2. The State of Bihar through the Principal Secretary, Department of Human Resources, Govt. of Bihar, Patna.
3. The District Magistrate, Rohtas.
4. The Additional Collector Rohtas at Sasaram.
5. The District Education Officer, Rohtas at Sasaram.

... .. Respondent/s

with
Letters Patent Appeal No. 1023 of 2019
In
Civil Writ Jurisdiction Case No.2929 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna
2. The Chairman Bihar School Examination Board, Patna
3. The Secretary Bihar School Examination Board, Patna

... .. Appellant/s

Versus

Sanjay Singh Yadav Uchh Madhyamik Vidhyalya Rafigang, Aurangabad through its President Sanjay Singh Yadav, aged about 45 years (M) Son of Shiv Ratan Singh, Resident of Village- S.S.Y. College, Abdulpur, Rafiganj, P.s.- Rafiganj, District- Aurangabad, Bihar

... .. Respondent/s

with
Letters Patent Appeal No. 1025 of 2019
In
Civil Writ Jurisdiction Case No.7253 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.



2. The Chairman Bihar School Examination Board, Patna.
3. The Secretary Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Shri Ram Lakhan Singh Yadav Uchh Vidhyalaya Nardiganj, Pandupa, Nardiganj (Nawada) through its Principal Ram Chandra Prasad Aged about 62 years (M), son of Mahaveer Mahto, resident of Village- Parma, P.S.- Parman, District- Nawada.

... .. Respondent/s

with

Letters Patent Appeal No. 1027 of 2019
In
Civil Writ Jurisdiction Case No.24297 of 2018

1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna
2. The Chairman, Bihar School Examination Board, Patna
3. The Secretary, Bihar School Examination Board, Patna

... .. Appellant/s

Versus

B. N. M. D Plus 2 Uchh Madhyamik Vidhyala Lakhisarai through its President Rambalak Prasad Singh, Resident of Village Near Pawar House, Karayanand Nagar Kautoha, P.O. Kautoha, P.S. Bnadahia, Dist. Lakhisarai

... .. Respondent/s

with

Letters Patent Appeal No. 1166 of 2019
In
Civil Writ Jurisdiction Case No.15318 of 2019

1. The Bihar School Examination Board, Buddha Marg, Patna through its Chairman, Patna
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Suromani Sukhdeo Uchh Madhyamik Vidhyalya, Phulkahahat, Madhepura, through its Principal Ramdeo Prasad Raman aged about 47 years (M), son of Shiv Nandan Prasad Yadav, resident of Village- Mohania, laukaha, P.S.- Supaul, District- Supaul.

... .. Respondent/s



with
Letters Patent Appeal No. 1167 of 2019
In
Civil Writ Jurisdiction Case No.15551 of 2019

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1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.
 2. The Chairman Bihar School Examination Board, Patna.
 3. The Secretary Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Amarnath Mishra Uchh Madhyamik Vidyalaya Dayalpur, Dhansoi, Buxar through its Secretary Amar Nath Mishra, aged about 38 years (M), son of Shri Surendra Mishra, Resident of Village- Civil Lines Sonar Patti, Nagar Parisad, Buxar, P.S. Buxar, District- Buxar (Bihar).

... .. Respondent/s

with
Letters Patent Appeal No. 1168 of 2019
In
Civil Writ Jurisdiction Case No.15568 of 2019

The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.

... .. Appellant/s

Versus

B.D. Uchh Madhyamik Vidhyalya Kukudha Road, Bijhaura, Buxar through its Secretary Ramavtar Singh aged about 56 years (M), Son of Kedar Nath Singh, Resident of Mitralok Colony Mishrawaliya Pandaypatti Near K.N.S. Inter College. P.S.-Mufsill Buxar, District-Buxar.

... .. Respondent/s

with
Letters Patent Appeal No. 1169 of 2019
In
Civil Writ Jurisdiction Case No.16695 of 2017

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1. The Bihar School Examination Board, Patna through its Secretary, the Bihar School Examination Board, Patna.
 2. The Secretary, the Bihar School Examination Board, Patna.
 3. The Chairman, the Bihar School Examination Board, Patna.
 4. The Affiliation Committee of Bihar School Examination Board, Patna, constituted under Rule 3 of the Bihar School Examination Board (Sr. Sec.) Affiliation Bylaws, 2013.



... .. Appellant/s

Versus

1. Ramjanki Uchcha Madhyamik Vidyalaya Panapur, District Saran represented through its Principal, Shailesh Kumar Prasad, S/o Jagdish Prasad, resident of Village- Basahiya, P.O.- Sonbarsa, P.S. Panapur, District- Saran.
2. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
4. The Director, Higher Secondary Education, Govt. of Bihar, Patna.
5. The District Magistrate, Saran at Chapra.
6. The District Education Officer, Saran at Chapra.

... .. Respondent/s

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with
Letters Patent Appeal No. 1170 of 2019
In
Civil Writ Jurisdiction Case No.15384 of 2019

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1. The Bihar School Examination Board, Buddha Marg, Patna through its Chairman, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Sitaram Yadav Uchch Madhyamik (Plus 2) Vidyalaya Jay Prakash Nagar Matihani, Bodhgaya Gaya through its Secretary Sitaram Yadav, Aged about 42 years (M) son of Fagu Yadav, resident of 01 Aura, Sahdew Khap, P.S.- Magadh University Bodh Gaya, District- Gaya.

... .. Respondent/s

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with
Letters Patent Appeal No. 1171 of 2019
In
Civil Writ Jurisdiction Case No.16711 of 2017

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1. The Bihar School Examination Board Patna through its Secretary, the Bihar School Examination Board, Patna.
2. The Secretary, the Bihar School Examination Board, Patna.
3. The Chairman, the Bihar School Examination Board, Patna.
4. The Affiliation Committee of Bihar School Examination Board, Patna, constituted under Rule 3 of the Bihar School Examination Board (Sr.Sec.) Affiliation Bylaws, 2013.



... .. Appellant/s

Versus

1. Satya Sai Uchcha Madhyamik Vidyalaya Kopa, District- Saran represented through its Principal, Chandrashekhar Pandey, S/o- Vasudeo Pandey, Resident of Village- Samhota, P.S.- Kopa, District- Saran.
2. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
4. The Director, Higher Secondary Education, Govt. of Bihar, Patna.
5. The District Magistrate, Saran at Chapra.
6. The District Education Officer, Saran at Chapra.

... .. Respondent/s

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with
Letters Patent Appeal No. 1172 of 2019
In
Civil Writ Jurisdiction Case No.279 of 2019

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1. The Bihar School Examination Board Patna through its Secretary
2. The Chairman Bihar School Examination Board, Patna
3. The Secretary Bihar School Examination Board, Patna

... .. Appellant/s

Versus

1. Rameshwar Sudarshan Higher Secondary School Aurangabad, Baratpur, through its Head Master-cum-Secretary, Sudha Kumari, Daughter of Sant Saran Prasad Singh, Resident of Village- Danibigha, P.s.- Sadar, District- Aurangabad (Bihar)
2. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
3. The Principal Secretary Human Resource Development Department, Govt. of Bihar, Patna
4. The Commissioner Magadh Pramandal, Gaya
5. The District Magistrate Aurangabad
6. The District Programme Officer Aurangabad

... .. Respondent/s

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with
Letters Patent Appeal No. 1278 of 2019
In
Civil Writ Jurisdiction Case No.17112 of 2019

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1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.



2. The Chairman Bihar School Examination Board, Patna.
3. The Secretary Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Nandlal Singh Uchh Madhyamik Vidhyalaya Sikraul Lakh, Dafadihari, Buxar through President of its School Management Committee Dharmendra Kumar Singh, aged about 42 years (M), S/o Nandlal Singh, resident of Village- Dafadihari, P.O.- Sikraul Lakh, P.S. Sikraul, Sikraur, District- Buxar.

... .. Respondent/s

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with

Letters Patent Appeal No. 1280 of 2019
In
Civil Writ Jurisdiction Case No.17091 of 2019

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1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Veer Kunwar Singh Ucch Vidhyalya (Plus 2) Shivpur Bhojpur, through its Principal Sanjay Kumar Singh aged about 50 years (M), son of Late Ram Raksha Singh, resident of Nahar Road, Jagdishpur, ward no. 16, P.S.- Jagdishpur, District- Bhojpur.

... .. Respondent/s

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with

Letters Patent Appeal No. 1281 of 2019
In
Civil Writ Jurisdiction Case No.16264 of 2019

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1. The Bihar School Examination Board Buddha Marg, Patna through its Chairman, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

Mahtheen Maa (Plus 2) Ucch Madhyamik Vidayalya, Bihiya, Bhojpur through its Secretary Shatrudhan Sharma aged about 59 years (M), Son of Baijnath Sharma, Resident of Ward No. 6 main road Bihiya, Behea, P.S.- Bihiya, District-Bhojpur.

... .. Respondent/s



with
Letters Patent Appeal No. 1283 of 2019
In
Civil Writ Jurisdiction Case No.19302 of 2017

1. The Bihar School Examination Board Patna through its Secretary, Patna.
2. The Chairman, The Bihar School Examination Board, Patna.
3. The Affiliation Committee of Bihar School Examination Board Patna constituted under Rule- 3 of the Bihar School Examination Board (Sr. Sec.), Affiliation Bylaws, 2013.

... .. Appellant/s

Versus

1. Devendra Narayan Mandal Uchcha Madhyamik (Higher Secondary) School (Plus 2) Tengraha P.S.- Shankarpur Kumarkhand, District- Madhepura, through its Principal cum Secretary, Subodh Kumar, son of Late Upendra Yadav, Resident of Village and P.O.- Karauti Bazar, Police Station- Uda Kishunganj, District- Madhepura.
2. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Madhepura, P.S. and District- Madhepura.
5. The Regional Deputy Director, Koshi Division, Saharsa.
6. The District Education Officer, Madhepura, P.S. and District- Madhepura.

... .. Respondent/s

with
Letters Patent Appeal No. 1461 of 2019
In
Civil Writ Jurisdiction Case No.16736 of 2017

1. The Bihar School Examination Board, Patna through its Secretary, the Bihar School Examination Board, Patna
2. The Secretary the Bihar School Examination Board, Patna
3. The Chairman the Bihar School Examination Board, Patna
4. The Affiliation Committee of Bihar School Examination Board, Patna, constituted under Rule 3 of the Bihar School Examination Board, Patna (Sr. Sec.), Affiliation Bylaws, 2013

... .. Appellant/s

Versus

1. Prabhawati Yugal Singh Uchchar Madhyamik Vidyalaya Kaituka Lachchi, P.s.- Amnour, District- Saran represented through its Secretary, Anand



Kumar, S/o Yugal Singh, Resident of village and P.o. Kaituka Lachchi, P.s.-
Amnour, distt.- Saran

2. The State of Bihar through the Principal Secretary, Department of
Education, Govt. of Bihar, Patna
3. The Principal Secretary Department of Education, Govt. of Bihar, Patna
4. The Director Higher Secondary Education, Govt. of Bihar, Patna
5. The District Magistrate Saran at Chapra
6. The District Education Officer Saran at Chapra

... .. Respondent/s

with
Letters Patent Appeal No. 1462 of 2019
In
Civil Writ Jurisdiction Case No.17619 of 2019

1. The Bihar School Examination Board Buddha Marg, Patna through its
Chairman, Patna.
2. The Chairman, Bihar School Examination Board, Patna.
3. The Secretary, Bihar School Examination Board, Patna.

... .. Appellant/s

Versus

B.N. Bhagat Ucch Madhyamik Vidhyalya Itarhi, Buxar, through its President
Om Prakash Bhagat aged about 52 years (M), Son of Vishwanath Bhagat,
Resident of Village-Sarasti, P.S.-Itarhi, District-Buxar.

... .. Respondent/s

with
Letters Patent Appeal No. 19 of 2020
In
Civil Writ Jurisdiction Case No.1125 of 2019

1. Bihar School Examination Board (Senior Secondary) Buddha Marg, Patna
through its Secretary.
2. The Chairman, Bihar School Examination Board (Senior Secondary),
Buddha Marg, Patna
3. The Secretary, Bihar School Examination Board, Patna

... .. Appellant/s

Versus

1. Sunil Singh Yadav Uchh Madhyamik Vidyalaya Indrhiyan, Sasaram,
District- Rohtas thorough its Principal -cum-Secretary Sunil Kumar Singh,
Aged about- 45 years (Male), Son of Bhaiya Ram Singh, Resident of
Village- Indrhiyan, P.o.- Karup Indrhiyan, P.s.- Sasaram Muffasil, District-
Rohtas



2. The State of Bihar Bihar
3. The Principal Secretary, Education Department, Government of Bihar, Patna
4. The Director, Secondary Education, Patna.
5. The District Education Officer, Rohtas

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 875 of 2019)

For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate Mr. Satyabir Bharti, Advocate Mr. Gyan Shankar, Advocate Ms. Prachi Pallavi, Advocate
For the Respondent (State):		Mr. Priyadarshi Matri Sharan, AC to AAG 15
For the Respondent/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Rabindra Priyadarshi, Advocate Ms. Shama Sinha, Advocate Mr. Sumit Sinha, Advocate Mr. Saurav Suman, Advocate Mr. Arun Kumar, Advocate Mr. Raghubir Chandrayan, Advocate Mr. Durgesh Kumar, Advocate

(In Letters Patent Appeal No. 836 of 2019)

For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate Mr. Satyabir Bharti, Advocate Mr. Gyan Shankar, Advocate Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Ms. Shama Sinha, Advocate

(In Letters Patent Appeal No. 864 of 2019)

For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate Mr. Satyabir Bharti, Advocate Mr. Gyan Shankar, Advocate Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Mr. Priyadarshi Matri Sharan, AC to AAG 15 Mr. Shashank Chandra, Advocate

(In Letters Patent Appeal No. 865 of 2019)

For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate Mr. Satyabir Bharti, Advocate Mr. Gyan Shankar, Advocate Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Ms. Shama Sinha, Advocate

(In Letters Patent Appeal No. 866 of 2019)

For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate Mr. Satyabir Bharti, Advocate Mr. Gyan Shankar, Advocate Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Ms. Shama Sinha, Advocate

(In Letters Patent Appeal No. 867 of 2019)

For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate Mr. Satyabir Bharti, Advocate Mr. Gyan Shankar, Advocate Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Ms. Shama Sinha, Advocate

(In Letters Patent Appeal No. 868 of 2019)



For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Mr. Arun Kumar, Advocate
(In Letters Patent Appeal No. 870 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 876 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 879 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Mr.
(In Letters Patent Appeal No. 880 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 881 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 882 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 883 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 884 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 885 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate



For the Respondent/s	:	Ms. Prachi Pallavi, Advocate
(In Letters Patent Appeal No. 887 of 2019)		Mr.
For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Satyabir Bharti, Advocate
		Mr. Gyan Shankar, Advocate
		Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 895 of 2019)		
For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Satyabir Bharti, Advocate
		Mr. Gyan Shankar, Advocate
		Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Mr.
(In Letters Patent Appeal No. 897 of 2019)		
For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Satyabir Bharti, Advocate
		Mr. Gyan Shankar, Advocate
		Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 898 of 2019)		
For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Satyabir Bharti, Advocate
		Mr. Gyan Shankar, Advocate
		Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Mr. Priyadarshi Matri Sharan, AC to AAG 15
(In Letters Patent Appeal No. 901 of 2019)		
For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Satyabir Bharti, Advocate
		Mr. Gyan Shankar, Advocate
		Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Mr. Priyadarshi Matri Sharan, AC to AAG 15
(In Letters Patent Appeal No. 1016 of 2019)		
For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Satyabir Bharti, Advocate
		Mr. Gyan Shankar, Advocate
		Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 1018 of 2019)		
For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Satyabir Bharti, Advocate
		Mr. Gyan Shankar, Advocate
		Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Mr. Priyadarshi Matri Sharan, AC to AAG 15
(In Letters Patent Appeal No. 1019 of 2019)		
For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Satyabir Bharti, Advocate
		Mr. Gyan Shankar, Advocate
		Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 1021 of 2019)		
For the Appellant/s	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Satyabir Bharti, Advocate
		Mr. Gyan Shankar, Advocate
		Ms. Prachi Pallavi, Advocate
For the Respondent/s	:	Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 1022 of 2019)		



For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate

For the Respondent/s : Mr. Priyadarshi Matri Sharan, AC to AAG 15
(In Letters Patent Appeal No. 1023 of 2019)

For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate

For the Respondent/s : Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 1025 of 2019)

For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate

For the Respondent/s : Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 1027 of 2019)

For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate

For the Respondent/s : Mr.
(In Letters Patent Appeal No. 1166 of 2019)

For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate

For the Respondent/s : Mr.
(In Letters Patent Appeal No. 1167 of 2019)

For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate

For the Respondent/s : Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 1168 of 2019)

For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate

For the Respondent/s : Mr.
(In Letters Patent Appeal No. 1169 of 2019)

For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate

For the Respondent/s : Mr. Priyadarshi Matri Sharan, AC to AAG 15
(In Letters Patent Appeal No. 1170 of 2019)

For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate

For the Respondent/s : Mr.
(In Letters Patent Appeal No. 1171 of 2019)

For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate



Ms. Prachi Pallavi, Advocate
For the Respondent/s : Mr. Priyadarshi Matri Sharan, AC to AAG 15
(In Letters Patent Appeal No. 1172 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Mr. Priyadarshi Matri Sharan, AC to AAG 15
(In Letters Patent Appeal No. 1278 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Ms. Shama Sinha, Advocate
(In Letters Patent Appeal No. 1280 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Mr.
(In Letters Patent Appeal No. 1281 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Mr.
(In Letters Patent Appeal No. 1283 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Mr. Priyadarshi Matri Sharan, AC to AAG 15
Mr. Durgesh Kumar, Advocate
(In Letters Patent Appeal No. 1461 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Mr. Priyadarshi Matri Sharan, AC to AAG 15
(In Letters Patent Appeal No. 1462 of 2019)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Mr.
(In Letters Patent Appeal No. 19 of 2020)
For the Appellant/s : Mr. Lalit Kishore, Sr. Advocate
Mr. Satyabir Bharti, Advocate
Mr. Gyan Shankar, Advocate
Ms. Prachi Pallavi, Advocate
For the Respondent/s : Mr. Priyadarshi Matri Sharan, AC to AAG 15

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 04-04-2022

Heard Mr. Lalit Kishore, learned Senior Advocate assisted by Mr. Satyabir Bharti for the appellants and Mr. P.K. Shahi, learned Senior Advocate assisted by Ms. Shama Sinha for the respondents.

All the appeals have been taken up together and are being disposed of by this common judgment.

The facts of LPA No. 875 of 2019 (The Bihar School Examination Board vs. Rambalak Prasad Singh Dropadi Devi Madhyamik Uchatar Madhyamik Vidyalaya) arising out of CWJC No. 379 of 2019 has been taken up for illustrative set of facts for deciding these appeals.

In all such cases, the Bihar School Examination Board (hereinafter called 'the Board') has taken the plea that the affiliation granted to these schools were bad in law since its inception as the affiliation had been granted only by the Chairman of the Board and not by the Board as constituted under the Bihar School Examination Board Act, 1952 (refer to Section 3/Chapter-2). Later, the Board had found that all these schools do not have sufficient infrastructure to qualify for being granted affiliation as provided under Regulation 3 of



Bihar School Examination Board (Senior Secondary) Affiliation Regulation, 2011 (hereinafter called '2011 Regulation') or for continuing their affiliation because a specially constituted team had found severe deficiencies in the infrastructure and the explanation offered by the schools pursuant to the show-cause notices issued to them, were also not satisfactory.

The learned counsel for the respondents/schools have *inter alia* contended that the order impugned in all such writ petitions giving rise to the appeals do not reflect any application of mind in as much as the orders are with respect to withdrawal of affiliation under Regulation 15 of the 2011 Regulation for the reason that in case it was found by the Board that those schools did not have sufficient infrastructure or were not fulfilling other conditions as enumerated in regulation 3 of 2011 Regulation, they ought to have had been provided with adequate time and opportunity, up to a maximum of one year, for adequate compliance/removal of defects and if those schools would have failed to upgrade themselves, then only the Board ought to have taken a decision to disaffiliate such institutions.



That not having been done, the order suffers from the vice of non-observance of the provisions of the Regulation 15 which has been resorted to for disaffiliating/withdrawing the affiliation of such institutions.

It has also been contended by one of the learned Advocates in one such appeal that from the impugned order, it is not reflected that the opinion of the Inspecting team regarding deficiency in the infrastructure of the schools was routed through the Affiliation committee, which is a clear violation of the provisions contained in Section 10(C) of the Act of 1952 and regulation 14(5) of 2011 Regulation.

It has further been argued that it makes no difference that the Board in its counter affidavit before the writ court had stated that the report of the Inspecting team was placed before the Affiliation committee and only thereafter the Board had taken a decision. Assuming but not admitting this fact to be correct, non-reflection of the opinion of the affiliation committee in the decision of the Board to disaffiliate the schools only indicates that either there was no such opinion of the Affiliation committee or if there was any, the same was never adverted to. In both the cases, the order of the Board



disaffiliating the institutions ought not to survive and be set aside.

Lastly, it has been argued that the learned single Judge while dealing with such an order was rightly of the view that once a decision was taken for withdrawing affiliation, it was to be presumed that affiliation had been granted, even though in an irregular manner, but if a decision was taken under the provisions of regulation 15, the procedure ingrained therein could not have been avoided by the Board for it to be sustained on judicial scrutiny.

Mr. Satyabir Bharti, learned counsel for the Board, however, has stated that the affiliation to all such institutions had not been granted by the Board but by the Chairman and therefore, it is no affiliation in the eyes of law. Even the learned single Judge who had decided the batch of writ petitions, (the lead case being CWJC No. 1366 of 2017 [Ucchatar Madhyamik School, (+2), Kabar vs. The State of Bihar and Ors. on 24.08.2017] was of the view that the Chairman is not the Board which alone has the powers to grant affiliation to such Secondary schools.



Mr. Bharti has further referred to the judgment of the Division Bench in LPA No. 1431 of 2017 and analogous appeals wherein the observation of the learned Single Judge referred to above with respect to the directions given in paragraph-55 of the judgment dated 24.08.2017 passed in CWJC No. 1366 of 2017 and analogous cases has been modified.

Paragraph- 55 of the judgment dated 24.08.2017 in C.W.J.C. No. 1366 of 2017 is extracted herein below:

In the present batch of cases, the affidavits have been filed on behalf of the petitioners giving an undertaking that they shall remove all the deficiencies and fulfill the conditions of affiliations within different periods of time mentioned therein. The Court expects the Board to consider individual cases of the schools and if it is found permissible, allow them time to remove such deficiencies in terms of proviso to sub-Regulation (4) of Regulation 3 of the Regulations. The Board, for the said purpose, will be required to undertake the exercise afresh to



ascertain whether these schools fulfill conditions of affiliation or are in a position to overcome the deficiencies. A positive and constructive approach, if taken by the Board, may have good results in larger public interest. The Board, while taking any decision, must keep in mind whether Government schools and Government aided schools do have the infrastructure and teaching facilities to meet the standards of conditions for affiliation.

This observation was modified by the Division Bench in LPA No. 1431 of 2017 to the extent that deficiencies in the infrastructure and removal thereof would be dealt with by the Board or the competent authority as the case may be in terms of the Act and Regulation in accordance with law. So far as the other observations of the learned Single Judge was concerned, the Division Bench in the afore-noted analogous LPAs ratified the same.

Be that as it may, it is the contention of the Board that in the first instance, the affiliation was wrongly granted to these institutions. However, later, an inquiry was made by



constituting an inquiry committee which was to address itself to 18 issues with respect to each of the schools in question and submit a report. The report of the committee was relied upon. The Chairman approved the report of the Chief Vigilance Officer who had suggested for disaffiliation/withdrawal of affiliation of these schools. Such decision of the Chairman of the Board was challenged primarily on the ground of *coram non judice*; which objection was sustained as the decision in that regard was required to be taken by the Board and not by the Chairman of the Board. It was in this context that the learned Single Judge in CWJC No. 1366 of 2017 was of the view that if any process was initiated for disaffiliation of these schools, it ought to have followed the procedure prescribed under the 2011 Regulation.

Pursuant to the aforesaid observations and directions of the learned Single Judge, which was in a large measure ratified by the Division Bench, a fresh exercise was made and a decision was taken by the Board to disaffiliate the institutions.

In order to appreciate the contention of the parties, it would be necessary for us to delineate in short the provisions



contained in Section 10(b) and (c) of the Bihar School Examination Board Act, 1952.

Section 10(b) provides for constitution of a committee of affiliation for the purposes of granting and withdrawing affiliation of Secondary and Senior Secondary Schools established by Non-Governmental Organization. Such committee would comprise the Chairman of the Board and a person to be nominated by the Board. It would be relevant here in this context to refer to the constitution of the Affiliation Committee under the new Act viz. Bihar School Examination Board Act, 2019 which has been brought into existence on 30th of June, 2019.

Under the new Act, the Affiliation committee comprises (i) the Secretary of the Board; (ii) Director Secondary Education, Government of Bihar; (iii) Director, (Academics) of the Board and; (iv) Chief Vigilance Officer of the Board.

Under the old Act of 1952, which was in currency when the impugned orders were passed, the power to grant and withdraw affiliation lay with the Board only. Section 10(c) specifies that the Board shall take a decision with



respect to grant or withdrawal of affiliation on the basis of the recommendation of the committee of Affiliation.

It may not be out of place here to this context to mention that in some of the cases which came for consideration before this Bench, the Board had taken the plea that in view of Section 10(c) of the Act, the opinion of the Affiliation committee may be taken into account but the Board is not bound to accept the opinion of the Affiliation committee. Such view of the Board was accepted by this Bench in other set of cases where despite the favourable opinion of the Affiliation committee to grant affiliation, no such affiliation had been granted.

This Court had taken the view that in the power to grant or withdraw affiliation, the power to withhold affiliation was inherent, which could not have been ignored. There is a reason for referring to the aforesaid argument which shall be dealt with in the later part of the judgment.

It would also be therefore relevant to notice that under the new Act of 2019, it has been specified in Section 20 that the recommendation of the committee of Affiliation shall be placed before the Board for final decision but such



recommendation of the committee of affiliation shall not be binding on the Board and the Board shall have the power to constitute such other committees for determining the eligibility of the Secondary and Senior Secondary Schools seeking affiliation with the Board.

Two of the provisions of the Bihar School Examination Board, Senior Secondary (Affiliation Regulation, 2011) are also required to be noticed for the sake of completeness.

Regulation 3 falling in Chapter 2 prescribes the conditions for affiliation and lays down minimal essential conditions for any institution to apply to the Board for affiliation. These essential minimum conditions are primarily with respect to the infrastructure and total area/land belonging to the school.

Regulation 11 is in the nature of miscellaneous provisions, giving powers to the Board to get such schools inspected by an inspection committee deputed by the Board, the Education Department and the Health Department authorities for the needful and such schools would be under an obligation to open up for such inspection and provide



information and returns called by the Board or the State Government within the prescribed time.

Chapter 3 of the Regulation of 2011 provides for the procedure for submission of applications for affiliation and follow up action. For any school to apply for affiliation with the Board, it should fulfill the essential requirements of affiliation as referred to in Regulation 3 of Chapter 2.

It has been made clear in the aforesaid Regulation that no application would be considered in case the essential requirements are not fulfilled by the school.

On such application, the Board would first examine the documents to satisfy itself that the conditions specified in Clause 3 of Chapter 2 is fulfilled and then would appoint an Inspection Committee to assess the suitability of the school for the affiliation with the Board for specific classes for which application is made.

The report of such committee is then required to be placed before the Affiliation committee for an appropriate decision. Whereafter, a decision is taken by the Board, either granting or not granting affiliation to such school.



It is, however, to be noted that Sub-clause 5 of Regulation 14 provides for a Committee of Affiliation to be constituted by the Board for the purposes of granting and withdrawing affiliation of Secondary and Senior Secondary Schools established by non-government organizations. The committee comprises the Chairman of the Board, the Secretary of the Board or his nominee and a person to be nominated by the Board. This provision, therefore, specifies that whether a decision is taken by the Board to grant affiliation or to withhold affiliation or to withdraw the affiliation or disaffiliate the school, the opinion of the committee of Affiliation has to be taken.

There is a specific chapter devoted to withdrawal of affiliation of already affiliated schools (Chapter 4).

Regulation 15 of Chapter IV provides the power to the Board to withdraw the affiliation either of the school in its entirety or with respect to subjects taught in the school. But before taking that decision, a full length procedure has been prescribed under the aforesaid resolution which includes the conditions under which normally affiliation is to be withdrawn viz. if the management of the school does not observe



financial regularities or engages itself in activities which are prejudicial to the interest of the State or provides a platform which encourages intolerance/disharmony amongst different sections of society or that the deficiencies so pointed out are not removed even after due notice.

If there is violation of the provisions of Sub-clause 3 of Chapter 2 which has been referred to above, viz. the conditions of affiliation, that also would constitute a specific ground for withdrawal of affiliation.

The Regulation further provides that adequate time and opportunity would be granted to the management of the school to upgrade itself within a maximum of one year for adequate compliance/removal of defects and on failure to do so, the Board may declare the institution disaffiliated and that decision shall be final and binding.

However, Clause 8 of Regulation 15 salvages such institutions which are disaffiliated on the ground of deficiency in infrastructure by providing them an opportunity of filing a fresh application for revival of affiliation within five years of such disaffiliation, after upgrading itself in all respects. In that case it has been made incumbent upon the Affiliation



committee to consider the merits of such revival application, without charging any fresh fee for affiliation.

But, it has been categorically provided that repeated violation of by-laws will lead to permanent disaffiliation of the schools.

Taking resort to the provisions of the Act and the Regulation referred to above, the Board had exercised its powers to withdraw the affiliation of the respondents/schools under Regulation 15 which was challenged before this Court vide batch of writ petitions, the lead case being CWJC No. 1366 of 2017 [Uchatar Madhyamik School, (+2), Kabar vs. The State of Bihar and Ors.)] referred above.

Many issues were raised on behalf of the parties including preliminary objection of there being a provision of appeal before the State Government under Section 10(b) of the Act but the learned Single Judge, taking note of the fact that the decisions had been taken on the basis of inquiry report of a five member committee constituted by the Board by the Chairman of the Board only and not by the Board, set aside such orders of disaffiliation/withdrawal of affiliation.



The learned Single Judge positively held that the statutory powers of cancellation of affiliation could be exercised by the Board as constituted under Section 4A of the Act and that Chairman is only a part of the Board who could not have taken any individual decision in the matter.

On a reading of Section 10(b) and 10(c) of the Act as well as Regulations 14 and 15 of the 2011 Regulation, the Court was of the view that there was no ambiguity that in cases of grant of recognition or withdrawal of the same, the Board would be guided by the recommendation of the committee of affiliation. The argument raised on behalf of the Board that for withdrawal of recognition, there is no necessity of the opinion of the committee of Affiliation as there is no such corresponding provision under Regulation 15, was not accepted as the power of withdrawal of recognition under the parent Act has been provided under Section 10(c) which specifies that even with respect to withdrawal of affiliation/disaffiliation, the opinion of the Affiliation committee would be relied upon.



The argument of the Board that the provision contained in Regulation 14 (5) is superfluous, was discarded by the Bench.

It was thus held that such withdrawal of affiliation was bad in the eyes of law primarily on the ground that such decision was taken by the Chairman in his individual capacity and not by the Board. The Board was directed to give opportunity to the respondents/schools for upgrading itself and removing the deficiencies and a positive and constructive approach had to be taken by the Board while taking any fresh decision in the matter.

We however notice that though the learned Single Judge has rightly held that the decision regarding grant and withdrawal of affiliation is to be taken by the Board and not by the Chairman but had applied this ratio only in the context of the decision regarding withdrawal of the affiliation. Nothing has been said in the aforesaid judgment with respect to the flaw brought to the notice of the Court that even the grant of affiliation was only by the Chairman and not by the Board, making such order of affiliation in the first instance highly suspect in the eyes of law.



Going by the age old principle of *what's sauce for the goose is sauce for the gander*, the judgment of the Single Judge ignores this aspect of the matter and directed that in case of withdrawal of recognition, the procedure prescribed under Regulation 15 be strictly followed.

We have also noticed that when such order was put to challenge by the Board, the Division Bench in LPA No. 1431 of 2017 (the lead case) and other analogous appeals found no justification to interfere with the learned Single Judge's order especially in view of the fact that the matter was sent to the Board for taking a fresh decision with respect to withdrawal of affiliation. The Division Bench therefore held it prudent to leave it open to the Board to consider the matter afresh, after giving reasonable opportunity to the schools in question and considering their replies independently before taking any final decision in the matter.

Only the observations of the learned Single Judge in paragraph 55 of the judgment, referred to above, was diluted to the extent that the Board was given the liberty not to treat such direction as any mandamus but take its own decision with respect to withdrawal of affiliation.



Two situations could be inferred from the aforesaid judgments of the learned Single Judge as well as of the Division Bench. If the entire gamut of reasoning given by the learned Single Judge that the Board does not only constitute the Chairman in his individual capacity is applied to the facts of this case, then if the decision of withdrawal in the first instance was bad then on that count, even the grant of affiliation cannot be said to be above board *qua* such requirement of the decision in that regard to be taken by the Board and not by any individual member of the Board. If that be so, then the Board was required to take a decision whether the affiliation itself is bad and in that case such decision could have been taken only under the provisions of Section 10(c) of the Act. Any action under the provision of 10 (c) of the Act would *per force* to be in terms of regulations 14 and 15 of the 2011 Regulation.

This being the fact scenario, to our mind, it was open for the Board to take that aspect in consideration also while taking a final decision with respect to withdrawal of affiliation.



However, it appears from the learned Single Judge's order that it was not specifically referred to and the matter was relegated to the Board to take a specific decision with respect to withdrawal of affiliation, thereby pre-supposing that there was no flaw with respect to grant of affiliation in first instance.

In the LPA judgment, only one observation of the learned Single Judge was modified which was only to the extent of an expectation of the Court (Single Judge) that the Board would follow the procedure under Regulation 15 which provides for giving ample time of one year for the institutions to upgrade itself in terms of infrastructure.

The dilution of the aforesaid observation of the learned Single Judge by the Division Bench, therefore, would by implication mean that such observations were not to be treated as binding and the Board ought to take a decision independently, including the factor that in the first instance, the affiliation suffered from the vice of *coram non judice*.

Pursuant to the aforesaid directions of the learned Single Judge as also of the Division Bench, the inspection committee's report is stated to have been placed before the



committee of Affiliation, which according to the Board held its deliberations on 25.09.2018. Thereafter, the Board, as urged on its behalf, took individual decisions with respect to the respondents/schools and found that they were deficient in infrastructure as also that they did not at all qualify in the first instance for making any application for affiliation.

Hence, all the respondents/schools were disaffiliated.

As noted above, Mr. Shashank Chandra, learned Advocate in one of the appeals, rightly pointed out that from the order passed by the Board in the second instance, there is no reflection of the fact that there was any opinion of the Committee of Affiliation over the issue. In the counter affidavit by the Board before the writ court, such deliberation was not brought on record. Assuming it to be correct information, the Board does not seem to have adverted to the aforesaid opinion and on that score itself, such order passed by the Board regarding disaffiliation of the respondents/schools cannot be sustained in the eyes of law, as it violates the specific provision contained under Section 10(c) of the Act of 1952 and the regulation 14(5) of the 2011 Regulation.



Mr. Satyabir Bharti, learned counsel for the Board concedes that the order passed by the Board disaffiliating the institution is not happily worded and the main focus of the Board appears to be that the respective institutions do not qualify for being granted affiliation and on further inquiry by the inspecting team, they were found to be severely deficient in terms of infrastructure, land as well as the ownership of the land of the school in question.

The aforesaid explanation does not cover up the fallacy in the impugned order.

We have some reservation in accepting the proposition that the decision of the Board was routed through the committee of Affiliation.

However on a broader analysis of the facts which have been brought to our notice, we find that after the institutions were disaffiliated in the first round of exercise in that regard, the students enrolled with those schools were permitted to appear in the Board examination through other schools and thereafter the schools were not permitted to take further admission or continue with their classes.



This situation has remained practically the same for the last five years by now.

However the final order with respect to disaffiliation was taken in the year 2018.

We cannot shut our eyes to the fact that the institutions in question were not granted affiliation by the Board but by the Chairman only. This strikes at the root of the matter and no argument can justify grant of such affiliation.

We have thus no hesitation in holding that if, in the first instance, the affiliation was not granted properly, that would be a valid ground for taking a decision of disaffiliating such institutions or else the entire purpose and scheme of the Act and the provisions contained therein with regard to affiliation, withdrawal of affiliation/disaffiliation, would be rendered meaningless.

We find that this is an additional ground apart from the deficiency in infrastructure of such schools, which has rightly been taken into account by the Board while disaffiliating the institutions.



Thus, for the reasons aforestated, we are not inclined to interfere with the decision of the Board, disaffiliating the institutions and therefore, we are constrained to set aside the orders passed by the learned Single Judge in all these appeals.

However after having said that, we are of the view that if the impugned decision of the Board, disaffiliating the institutions was taken also on the ground of lack of infrastructure and the schools were not given time to upgrade, it would be in the interest and betterment of academics in the State of Bihar and for the benefit of larger good that the respondents/institutions be given the liberty to make a fresh application for revival of their affiliation/grant of fresh affiliation which is permitted under Clause 8 of Regulation 15 which shall be considered on its merits by the Affiliation committee.

For all practical purposes, any decision with respect to revival of the affiliation would include the conditions which are necessary for grant of affiliation in the first instance.

We, therefore, direct that the Board while taking a decision on such application so filed by the respective schools



will not take the plea that frequent violation of the by-laws has led to any permanent disaffiliation of the schools.

Needless to state that the Board shall look into all aspects of the matter and shall take a decision for granting fresh affiliation or revival of the affiliation, if the institutions in question have the requisite standing in terms of infrastructure and other conditions specified in the Act and the Regulation for grant of such affiliation.

While taking any decision, the provisions contained in the Act and the Rules shall be strictly adhered to.

With the aforesaid directions/observations, all the appeals are disposed of.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

krishna/-

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