

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14781 of 2017

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Haroon Memorial Senior Secondary Uchchtar School , Sansaraiya, Nautan,
District -West Champaran represented through its Secretary, Roohul Amin
Khan, S/o -late Md. Haroon Khan, resident of village + P.O.- Sansaraiya, P.S.-
Muffasil Bettiah, District -West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Higher Secondary Education, Govt. of Bihar, Patna
4. The Bihar School Examination Board, Patna through its Secretary, the Bihar School Examination Board, Patna.
5. The Secretary, the Bihar School Examination Board, Patna.
6. The Chairman, the Bihar School Examination Board, Patna.
7. The Affiliation Committee of Bihar School Examination Board, Patna, constituted under Rule 3 of the Bihar School Examination Board (Sr. Sec.) Affiliation Bylaws, 2013.
8. The District Magistrate, West Champaran.
9. The District Education Officer, West Champaran, Bettiah

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Santosh Bharti, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar – GP-17
		Mr. Amit Bhushan, AC to GP-17
Fro the Board	:	Mr. Ajay Behari Singh, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

6 13-02-2023 The petitioner has prayed to direct the respondents to open the code of the inter college of the petitioner.

2. It has relied on a judgement passed in CWJC No. 04 of 2017 decided on 24.08.2017.

3. Learned senior counsel appearing for the Board points out that the said judgement was challenged before the



Division Bench in LPA No. 1437 of 2017. The Division Bench set aside the order with further observations as under :-

“So far as observations of the learned Writ Court in paragraph 55 of the impugned judgment is concerned, we are of the considered opinion that the observations made in paragraph 55 be not taken as a mandamus/direction to the respondent Board and to that extent the observation of the learned Writ Court are modified to the extent that the matters relating to deficiencies in the infrastructure and removal thereof are to be dealt with by the Board or the competent authority, as the case may be in terms of the Act and Regulations in accordance with law. Save and except the above modification in paragraph 55 of the impugned judgment of the learned Writ Court, we do not find any reason to interfere with the rest part of the impugned judgment.

All the Letters Patent Appeals are, thus, disposed off in terms stated hereinabove.”

4. It is informed that the show cause notice was issued to the petitioner's institution on 28th August, 2018 whereafter inspection was conducted and the recognition was cancelled vide order dated 08.10.2018.

5. The order dated 08.10.2018 has not been challenged by the petitioner.



6. The writ petition, in view of the order above, has become infructuous. Accordingly, it is dismissed as having become infructuous.

7. However, the petitioner would be always at liberty to challenge the order dated 08.10.2018, if he is so advised.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.12

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