

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7275 of 2019

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Ram Janaki Mahanth Triveni Das Madhyamik Sah Uchch Madhyamik Vidyalaya Rathore
Nevaji Tola, Saran at Chhapra through its Principal Amiteshwar Singh, aged about 53 years,
(M) Son of Late Janardan Singh, P.S.- Chhapra Mufassil, District- Saran at Chhapra, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. Principal Secretary, Education Department, Government of Bihar, Patna.
3. Director, Education Department (Secondary Education), Government of Bihar, Patna.
4. Bihar School Examination Board through its Secretary, Patna, Bihar.
5. Chairman, Bihar School Examination Board, Patna.
6. Secretary, Bihar School Examination Board, Patna.
7. District Magistrate, Saran at Chhapra.
8. Additional Collector, Saran at Chhapra.
9. The District Education Officer, Saran at Chhapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yashraj Bardhan, Adv.
For the State	:	Mr. Jai Prabhat Kishore, A.C. to S.C.-13
For the B.S.E.B.	:	Mr. Satyabir Bharti, Adv.
		Mr. Abhishek Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 16-02-2023

1. Heard the parties.

2. The issue raised in the present writ petition is no more *res-integra* in view of the judgment passed by the Division Bench in bunch of L.P.As. decided on 04.04.2022 and reported in **2022 (3) BLJ 135 (Bihar School Examination Board & Ors. Vs. Rambalak Prasad Singh & Ors.)**.

3. The Division Bench reached to conclusion that it is the Board, which has the powers to examine the issue regarding granting of affiliation and the Chairman in his indivisional capacity would not



be empowered to issue directions for affiliation or de-affiliation. The Single Judge held otherwise which was set aside by the Division Bench.

4. In the present case, the Board has conducted an inspection and thereafter issued show cause and after considering the reply of the petitioner has taken a decision on 27.11.2018. The order passed by the Secretary, Board in terms of the decision of the Board, therefore, does not warrant any interference. However, it would be apposite to quote following observations of the Division Bench (supra):-

"48. 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.

49. 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.



50. 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 bye-laws has led to any permanent disaffiliation of the schools.

51. 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.

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

5. The aforesaid directions issued by the Division Bench would apply *mutatis mutandis* to the present case of the petitioner also.

6. Accordingly, the writ petition stands disposed of.

(Sanjeev Prakash Sharma, J)

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Item No.54

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Uploading Date	
Transmission Date	

