

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10170 of 2023

1. Ajay Kumar Chaubey Son of Rajendra Chaubey, Resident of Musaharwa, P.S. - Sathi, District - West Champaran, Bihar- 845455.
2. Vijay Kumar Mishra, Son of Ashutosh Mishra, Resident of ward no. 7, Parorha Gobraura, P.S. - Sikarpur, District - West Champaran, Bihar - 845453.
3. Anil Kumar Mishra, Son of Late Ramchandra Mishra, Resident of Kehunia, P.S. - Lauria, West Champaran, Bihar - 845453.
4. Pramod Kumar Shukla, Son of Ramayan Shukla, Resident of Village - Siswania, West Champaran, Bihar - 845453.
5. Ashok Kumar, Son of Birendra Bihari Tiwary, Resident of Shubhas Nagar, Parwatia Tola, near K.R School, Bettiah, West Champaran, Bihar - 845438.
6. Anil Kumar Shukla, Son of Mithilesh Kumar Shukla, Resident of Kali Bagh, Bulaki Singh Chowk, Ward no. 11, near Kali Bagh Temple, Bettiah, West Champaran, Bihar - 845438.
7. Sunil Kumar Kushwaha, Son of Baijnath Prasad, Resident of Ward no. 11, NayaTola, Narkatiaganj, West Champaran, Bihar - 845455.
8. Vinod Kumar Pandey, Son of Shyama Kant Pandey, Resident of Pokhar Chowk, Ward no. 16, P.O. Narkatiaganj, West Champaran, Bihar - 845455.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Education/HRD, Government of Bihar at Patna.
2. Bihar School Examination Board Patna through its Chairman.
3. District Magistrate, West Champaran, Bihar.
4. Deputy Collector Land Reforms, Narkatiyaganj Sub-division, West Champaran.
5. District Education Officer, West Champaran.
6. District Programme Officer, West Champaran.
7. Pt. Kedar Pandey Memorial Inter College, through its President Shri Virendra Rao.
8. Shri Parshuram Singh, Head Clerk, Pt. Kedar Pandey Memorial Inter College.
9. Mr. Brijesh Kumar Verma @ Brijesh Kumar Srivastava. Presently serves as Principal of Pt. Kedar Pandey Memorial Inter College.
10. Managing Committee @ Prabandh Samiti, Pt. Kedar Pandey Memorial Inter College, through its Members.
11. Governing Body @ Shashi Nikay, Pt. Kedar Pandey Memorial Inter College, through its Members.

... .. Respondents



Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Advocate
For the Respondent/s : Mr.Madan Jeet Kumar (GP-20)
For the BSEB : Mr. Bishwa Bibhuti Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-07-2023 Heard learned counsel for the petitioners and learned counsel for the Bihar School Examination Board (hereinafter referred to as the 'Board').

2. Petitioners in the present case are seeking a direction to the respondent authorities to distribute the aid granted by the Board in favour of Pt. Kedar Pandey Memorial Inter College for the year 2009-11. It is stated that the petitioners had earlier filed CWJC No. 13162 of 2021 for the same purpose and this writ application was disposed of vide order dated 15.09.2022.

3. On perusal of the order of this Court passed in earlier writ application, it appears that the learned Writ Court disposed of the writ application in terms of the judgment dated 23.02.2022 passed in CWJC No. 5489 of 2020 (Suresh Ram vs. The State of Bihar & Ors.) and connected matters reported in 2022 (2) BLJ 381. According to this order, the petitioners were required to prefer an appeal before the District Appellate Authority/ State Appellate Authority.

4. Learned counsel for the petitioners submits that in



terms of the liberty granted by this Court, the petitioners preferred O.A. No. 16 of 2023, before the State Appellate Authority, however, the State Appellate Authority refused to entertain the same on the ground of limitation.

5. Learned counsel for the petitioners has assailed the order dated 25.01.2023 passed by the Chairperson (A) of the State Appellate Authority in O.A. No. 16 of 2023. It is submitted that the Appellate Authority is not justified in rejecting the appeal on the ground of limitation.

6. Contrary to the aforementioned submissions, learned counsel for the Board submits that the Appellate Authority has found that the aid amount has been disbursed to the College and the College has already disbursed the same to the other staffs of the College. Under such circumstance, nothing could have been done at this stage, hence, the view expressed by the Appellate Tribunal is correct.

7. Having regard to the facts and circumstances of the case, the materials available on the record and admission of the petitioners that the aid amount had already been received in the College and the same has been disbursed to other staffs, this Court is of the considered opinion that an *inter se lis* between the petitioners and the college administration in the matter of



disbursement of the funds available to the College cannot be taken up in writ jurisdiction. The petitioners are at liberty to seek their remedy before appropriate forum in appropriate jurisdiction.

8. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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