

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.407 of 2022

In

Civil Writ Jurisdiction Case No.3863 of 2019

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Rajendra Singh Son of Late ram Chandra Singh Head Master Cum Secretary,
Sheo Shankar High School, Mirzapur, P.S. Patahi, District-East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Bihar, Patna.
2. State Appellate Authority, Education Department, Bihar, Patna through the Chairperson
3. District Teacher Appointment Appellate Authority, East Champaran through the Presiding Officer
4. District Education Officer , East Champaran.
5. Raghavendra Kumar Son of Jitendra Prasad Resident of Village-Mathia, Dhaka Road, P.S. Chhatauni, District-East Champaran.
6. Ram Babu Singh Son of Late Raj Kishore Singh Resident of Village-Nayagaon, P.S. Shyampur Bhatahan, District-Sheohar
7. Ram Krishna Kumar Son of Jitendra Prasad Resident of Village-Mathia, Dhaka Road, P.S. Chhatauni, District-East Champaran.
8. Ram Balak Singh Son of Sri Narayan Singh Resident of Village-Katauna, P.S. Patahi, District-East Champaran.
9. Md. Tabrez Alam Son of Late Nazir Ahmad Resident of Village-Nayagaon, P.S. Shyampur Bhatahan, District-Sheohar.
10. Rajnish Singh Son of Sri Narayan Singh Resident of Village-Katauna, P.S. Patahi, District-East Champaran.
11. Lalbabu Sah Son of Yadolal Sah Resident of Village-Mirzapur, P.S. Patahi, District-East Champaran.
12. Surendra Kumar Son of Late Sheonath Prasad Resident of Village-Panch Mandir, P.S.-Motihari Town, District-East Champaran.
13. Ajay Sah Son of Santlal Sah Resident of Village-Mirzapur, P.S. Patahi, District-East Champaran
14. Prabhunath Mahto Son of Late Ganesh Mahto Resident of Village-Mirzapur, P.S. Patahi, District-East Champaran
15. Shankar Paswan Son of Late Sukit Paswan Resident of Village-Mirzapur, P.S. Patahi, District-East Champaran
16. Arvind Paswan Son of Rajmangal Paswan Resident of Village-Mirzapur, P.S. Patahi, District-East Champaran
17. The Managing Committee of Sheo Shankar High School, Mirzapur, P.S. Patahi, District-East Champaran through its President
18. Dr. Dineshwar Prasad Sinha Son of Late Sheo Shankar Prasad Sinha



Resident of Village-Mirzapur, P.S. Patahi, District-East Champaran

19. Sheo Shankar Singh Son of Late Prabhudayal Singh Resident of Village-Kalu Pakar, P.S. Phenhara, District-East Champaran.
20. Bharat Kumar Son of Ram Biswas Bhagat Resident of Village-Mirzapur, P.S. Patahi, District-East Champaran
21. Sumit Suman Son of Ram Surat Thakur Resident of Village-Mirzapur, P.S. Patahi, District-East Champaran
22. Lalit Thakur Son of Satya Narayan Thakur Resident of Village-Mirzapur, P.S. Patahi, District-East Champaran
23. Nitesh KUMar Pandey Son of Kedar Pandey Resident of Village-Kodariya, P.S. Patahi, District-East Champaran.
24. Niraj Garg Son of Surendra Pandey Resident of Village-Kodariya, P.S. Patahi, District-East Champaran.
25. Md. Atiur Rahman Rizvi Son of Md. Wazul Rai Resident of Village-Mirzapur, P.S. Patahi, District-East Champaran
26. Mandeshwar Kumar Son of late Ramu Raut Resident of Village-Mirzapur, P.S. Patahi, District-East Champaran
27. Ramlal Prasad Son of Late Baldeo Sah Resident of Village-Bhitgharwa, P.S. Patahi, District-East Champaran.
28. Ratneshwar Upadhyaya Son of Late Anirudh Upadhyaya Resident of Village-Behali Ram, P.S. Patahi, District-East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Naresh Chandra Verma, Advocate
For the Respondent/s : Mr. Apurva Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-04-2023

1. The appellant was the writ petitioner who assailed the jurisdiction of the District Appellate Authority under the Bihar State School Teachers and Employees Disputes Redressal Rules, 2015. The learned Single Judge by the impugned judgment scrutinized carefully the judgment passed by the State Appellate



Authority. The learned Single Judge also noticed the decision of this Court in C.W.J.C. No. 5489 of 2020, **Suresh Ram v. State of Bihar**, wherein it was held that the District Appellate Authority has jurisdiction to decide disputes between the school and the teaching/non-teaching employees in terms of the Rules. The learned Single Judge hence, refused to interfere with the order of the State Appellate Authority which remanded the matter to the District Appellate Authority.

2. Before us, the learned counsel for the appellant raised two grounds, again on the jurisdiction of the District Appellate Authority under the provisions of the Bihar State School Teachers and Employees Disputes Redressal Rules, 2015 (hereinafter referred to as the 'Rules of 2015'). It is first pointed out that the subject school does not fall under the definition of 'Non-Government' and 'Non-Aided' schools since, it is managed by a Managing Committee of the persons of the locality and not of a society/trust as is required under the definition clause. Then, it is argued that, in this case some of the other staff of the school has filed the petition challenging certain appointments made by the Managing Committee of the School. This is a dispute between the employees and not one between the Management and the



employees; which dispute alone could be agitated under the Rules of 2015.

3. The learned Government Advocate, however, supported the order of the learned Single Judge and asserted jurisdiction under the Rules of 2015.

4. We have looked at the definition clause in Rule 2(7) of the Rules of 2015. 'Non-Government' and 'Non-Aided' schools according to the definition clause means elementary, secondary and higher secondary schools which are constituted and managed by the society/trust within the State. We see from the averments in the writ petition itself that admittedly, the school is neither a Government school nor an aided school. The question is as to whether it is managed by a society/trust to bring it under the ambit of the Rules of 2015. There is no definition of society or trust under the Rules and hence, we have to take the common parlance meaning. A society could be a cooperative society or even a group of persons who can be loosely called a society. The State Appellate Authority has found that even when the Managing Committee is constituted of persons of the locality from the general public, it can be termed as society.

5. We also looked at the averments made in the writ petition itself. In paragraph 5, the petitioner himself says that :-



“That school is Non Government and Non Aided School and it is run by a Managing Committee in which Donor is the Chairman of the Managing Committee and other Members of the Committee are the respectable persons of the locality as the school was established by the local people.”

6. Going by the above extract, it is clear that the land for the school was donated by the Chairman of the Managing Committee. The school is established on such land, which by the very establishment of an Educational Institution has the trappings of a dedication for a public purpose. The members of the Managing Committee are also respectable persons of the locality. The school having been established by the local people and for the local people, definitely it can be said that the Managing Committee carries on the activities of the school and it's establishment in trust for the general public. We are, hence, of the opinion that the school is one managed in trust by the Managing Committee; which is sourced from the respectable persons of the locality, whose Chairman is also the donor the property.

7. The next contentions raised is as to whether the dispute falls under the Rules of 2015, being one between the employees of the school. It is true that the employees of the school had challenged certain appointments of other persons employed in the school. The challenge being to the appointment, the grievance was with respect to the actions of the Managing Committee, hence the dispute, essentially is one between the management of the school and its employees.



8. On the above reasoning, we find both the grounds raised by the appellant to be unsustainable. We are of the definite opinion that the school is one covered under the definition of “Non-Government and Non-Aided Schools” and the dispute is also one falling within the scope of Rules of 2015. We dismiss the appeal and direct the parties to appear before the District Appellate Authority on 09.05.2023. The District Appellate Authority shall give a date of hearing with notice to all parties and disputes raised in the appeal shall be adjudicated within a period of three months from the date of last hearing.

9. The writ appeal stands dismissed with the above observations.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

sharun/-

AFR/NAFR	NAFR
CAV DATE	N/A
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