

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.393 of 2023

Ashok Kumar Choudhary

... .. Petitioner/s

Versus

The State of Bihar,

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashank Chandra, Adv.

For the Respondent/s : Mr. Jitendra Kumar Roy 1, SC 13

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 20-01-2023

1. The petitioner by way of this writ petition assails the order passed by the Special Secretary cum Appellate Authority dated 03.11.2022 whereby the governing body formed by the Chairman vide order dated 12.01.2021 has been set aside with direction that the governing body shall be formed after considering the claim of the appellant within a period of three months. After the same is duly inquired into by the Bihar Sanskrit Education Board.

2. Learned counsel for the petitioner submits that in terms of the Regulations of Act of 2015, Section 11(4), the chairman has a special power to form the governing body and the same cannot be objected to by the Appellate Authority and the order of Appellate Authority therefore, deserves to be quashed.



3. I have considered the submission, as per Section 11 (4) of the Act of 2015, the power is available to the Chairman of forming of the governing body subject to approval of the Bihar Sanskrit Education Board. A look at the order passed by the Chairman reflects that the Chairman formed a governing body vide 12.01.2021 and placed it before the Bihar Sanskrit Education Board, Patna on 21.01.2021, but the Board has not granted approval to the governing body formed by the Chairman.

4. In view thereof, it could not be said that such a governing body will be treated *de jure* and the same has to be therefore, quashed and has been rightly set aside by the appellate body.

5. No interference thereto is therefore warranted .

6. The writ petition is misconceived and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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