

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4965 of 2020

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Chunchun Prasad Yadav, S/o Late Jageshwar Yadav, resident of Village, P.O.
and P.S.- Katoriya, District- Banka.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur.
4. The District Education Officer, Banka.
5. The Secretary, Bihar School Examination Board (Higher Education), Patna.
6. The Director (Higher Education), Bihar School Examination Board, Patna.
7. The Secretary, Managing Committee, S.S.P. Yadav Inter College, Katoria, District- Banka.
8. The Principal, S.S.P. Yadav Inter College, Katoria, District- Banka.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Suresh Prasad Sah @ Baranwal, Advocate
For the Resp-State	:	Mr. Apurva Kumar, Advocate
For the Board	:	Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 22-03-2024

Heard the parties.

2. The petitioner claiming to be a social worker of the vicinity of the village Katoriya, District-Banka, has filed the present writ petition under Article 226 of the Constitution of India, in the name of Public Interest Litigation, seeking a direction upon the respondent-authorities to conduct a high level



inquiry in grant of affiliation to the S.S.P., Yadav Inter College, Katoriya, District-Banka by the erstwhile Bihar Intermediate Education Council, Patna, in complete disregard to the provisions of grant of affiliation to Intermediate College.

3. It was argued that several allegations have been levelled that permanent affiliation to the S.S.P. Yadav Inter College in the year 1997 was accorded without there being any proper inquiry. As a matter of fact, the land claimed as belong to the College, as shown in the report, does not belong to the Inter College and, in fact, the said land was gifted by one Suresh Prasad Yadav to the Governor of Bihar for the purpose of S.S.P. Yadav Degree College and not the Inter College. It has also been argued that apart from such fraudulent affiliation, the Authorities of the College have also given wrong information about teaching and non-teaching staffs and infrastructure of the Inter College. However, to the utter dismay of the petitioner, despite several representations, no action has been taken.

4. In response to the allegations levelled by the petitioner, a counter affidavit has been filed on behalf of the official respondents no.5 and 6.

5. It has been categorically averred that as per the records, the College, in question, had been accorded recognition



by the erstwhile Intermediate Council vide letter dated 07.06.1995, which was extended by the Board up-to session 2008-10 and it has further been informed that till the session 2019-2021, the admission of the students at intermediate level and their examinations were carried out by the College, in question, under the Online Facilitation System for Students. The official respondents also contended that pursuant to the Cabinet decision vide Resolution contained in Memo No. 427 dated 04.07.2020, the issue pertaining to 599 Intermediate Colleges (+2), is under process of being inquired into and further in terms of Regulation 17(k) under chapter-V of the Bihar School Examination Board (Senior Secondary) Affiliation Regulation, 2011, the District Programme Officer had been nominated as Convenor for constituting the Adhoc Managing Committee of the institution to submit a proposal with the required documents.

6. Having perused the materials available on record, this Court is satisfied that proper action is being taken in the matter of affiliation of the Inter College, in question, as the grant or not to grant affiliation of Inter College is within the domain of the Bihar School Examination Board and any direction from this Court, in the present matter, would be uncalled for.

7. However, this Court is constrained to observe that



the petition under Article 226 of the Constitution of India in the guise of “Public Interest Litigation” should not be entertained, if the matter requires inquiry at the level of competent authorities. This Court in a catena of decisions held that where the pleadings are vexatious and misconceived, without it being based upon any substantive materials, the same should not be entertained. The Public Interest Litigation should not be merely a cloak for attaining private ends of a third party or of the party bringing the petition.

8. In view of the aforesaid facts and the materials placed on record by filing the counter affidavit, this Court thinks it proper to close the present Public Interest Litigation. Accordingly, the writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28-03-2024
Transmission Date	

