

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12243 of 2017

=====

Ramvichar Singh S/o Late Fajdar Singh, Resident of Village- Kadna, P.O.-
Garkha, P.S.- Garkha, District- Saran.

... .. Petitioner

Versus

1. The State of Bihar
2. The Secretary, Bihar Intermediate Education Council, Budh Marg, Patna.
3. The Secretary, Bihar School Examination Board Higher Education, Patna.
4. The Director, Secondary Education Budh Marg, Patna.
5. The District Education Officer, Chapra, Saran.
6. The Secretary, Devraha Baba Shridhar Inter College, Kadna, Saran.
7. The Principal Devraha Baba Shridhar Das Inter College, Kadna Garkha,
Saran.

... .. Respondents

=====

Appearance :

For the Petitioner	:	Mr. Anurag Saurav, Advocate
For the Respondent State:		Mr. Madanjit Kumar, GP-20
For the BSEB	:	Mr. P.K.Shahi, Senior Advocate
		Mr. Gyan Shankar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT

Date : 30-10-2025

Heard learned counsel for the petitioner, learned
counsel appearing for the respondent Bihar School Examination
Board and the learned counsel for the respondent State.

2. This is the second round of litigation on behalf of the
petitioner. Earlier also, the petitioner had approached this Court
vide CWJC No. 20495 of 2012. On 10.04.2012, the said writ
application was dismissed on the ground that the writ application
relating to the affair of a private managing committee of an
affiliated college was not maintainable in view of the ratio of the
Division Bench decision of this Court in the case of *Smt. Radha*



Kumari Singh vs. The Governing Body of Mahanth Mahadevanand Mahila Mahavidyalaya, reported in **1977 PLJR 110**. While dismissing the writ application, the learned Single Judge had made it clear that if the petitioner so chooses, he can file a civil suit before a court of competent jurisdiction or before designated authority after it comes into place.

3. As against the above decision of this Court in CWJC No. 20495 of 2011, the petitioner had filed Letters Patent Appeal, bearing LPA No. 968 of 2012, which was heard and decided on 18.07.2014 (Annexure-4 to the writ application), wherein the Division Bench of this Court, while agreeing to the view expressed by the writ Court, directed the petitioner to either approach the civil court of competent jurisdiction or the Bihar School Examination Board (Higher Secondary), if the Board had framed Guidelines or Rules/Regulations governing removal of Class-IV employees by the managing committee of an affiliated college. Therefore, the liberty granted to the petitioner by the Division Bench of this Court was to approach Bihar School Examination Board only if the Board has framed the Guidelines as aforesaid.

4. In paragraph 11 of the counter affidavit filed by the Bihar School Examination Board, it has been clearly stated that no Guidelines or Rules has been framed by the Bihar School



Examination Board for governing the service conditions of the employee of private affiliated colleges. Paragraph 11 of the counter affidavit filed by the Bihar School Examination Board is quoted hereinbelow for needful: -

“11. That with regard to above, it is pertinent to submit here that in the year 2012, no guidelines, rules & regulations governing the service conditions of the employees of private affiliated Colleges had been framed at the Board, however later in the year 2019, necessary guideline in connection with service conditions of employees of private affiliated Secondary School/ High Secondary School(+2 College) has been framed and under clause 3(1), 3(7), 27 and 31 of chapter 3 and clause 36(II) of chapter 4 of the said guidelines, it is the managing committee/governing body/ad-hoc managing committee, which is competent to take final decision in matters of teaching as well as its non-teaching employees.

Thus now the Governing Body/Managing Committee of the College in question is the competent to look into this matter.”

5. In the light of the above legal-factual position, which emerges in the present case, the present writ application filed by the petitioner seeking the nature of relief is clearly not maintainable in law.



6. The judgment delivered by the Division Bench of this Court in the Case of *Smt. Radha Kumar Singh* (supra) still governs the field on the issue that the affairs of a private managing committee of an affiliated college cannot be challenged or agitated in writ jurisdiction. Also it is to be noted that although liberty was granted by the Division Bench on 18.07.2014 to either approach the civil court or file representation before Bihar School Examination Board, the petitioner did not approach civil court and even the representation was filed much belatedly on 13.06.2017 before the Bihar School Examination Board, for which no explanation for delay has been given.

7. In such view of the matter, the present writ application is dismissed as not maintainable.

(Alok Kumar Sinha, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31.10.2025.
Transmission Date	N/A

