

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4824 of 2024

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Nirmal Kumar Singh S/o Late Sadhu Singh, Resident of Village- Sardiha,
South Tola, Ward No. 10, Sardiha, Saharsa, PIN- 852127.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department,
Government of Bihar.
2. The Director (Education), Bihar School Examination Board, Buddha Marg,
Patna.
3. The Director (Academic), Bihar School Examination Board, Buddha Marg,
Patna.
4. The Regional Deputy Director, Koshi Division, Saharsa.
5. The District Magistrate, Saharsa, Bihar.
6. The District Education Officer, Saharsa, Bihar.
7. The District Programme Officer, Bihar.
8. The Branch Manager, Bank of India, Sonpura Branch, Simri Bakhtiyarpur,
Saharsa, Bihar.
9. Arvind Kumar Singh S/o Chandradev Singh Village and Post- Rampur,
District- Saharsa, PIN- 852106.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Alok, Advocate
For the Respondent/s	:	Mr. Standing Counsel 4
For Resp No.9	:	Mr. Sanjeev Kumar, Advocate
		Mr. P. Shankar Mishra, Adv.
		Mr. Navneet Deubey, Adv.
For the B.S.E.B.	:	Mr. Gyan Shankar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-08-2025

Heard the parties.

2. The petitioner claimed himself to be a Head Master
of Banwari Singh High School, Rampur, Saharsa, an aided
School under the provision of Secondary School Management
and Acquisition Control Act, 1985, has approached this Court,



on being aggrieved with the impugned Office Order No.5438/2023 dated 16.08.2023 (Annexure-P/14) and further 5556 dated 08.09.2023 (Annexure-15), issued by respondent no.2, whereby despite the allegation levelled against the terminated Head Master of the School, a recommendation has been made by the District Programme Officer to the Bihar School Examination Board to constitute an Adhoc Committee (Tadarth Committee) and thereby an Unconstitutional Committee is constituted. Further prayer has been made to release the payment of grant in favour of the School in its account as right from 2013, no fund has been released in favour of the School, of which the petitioner is at present holding the post of Head Master-cum-Member Secretary.

3. The School, in question, was established in the year 1985 and got its affiliation from the Government of Bihar in the year 1987. On 06.04.1990, the land, in question, had been bequeathed in favour of the Governor of Bihar. While the School was functioning, in the meanwhile, the Bihar School Examination Board (for short 'the Board') vide its letter no.1120 dated 23.03.2015 constituted an Adhoc Managing Committee of the School, in question, by nominating one Arbind Kumar Singh as the Principal-cum-Member Secretary. Further, in pursuant to



the order dated 31.08.2018 passed by the Appellate Authority, Saharsa, Sri Chandradeo Singh, father of Arbind Kumar Singh, declared as 'Donor Chairman' of the Governing Body and Managing Committee of the School, in question, vide Board's letter no.1878 dated 09.07.2020. A list of Member was duly furnished by the Donor Chairman; based upon which, the Governing Body and the Managing Committee of the School was constituted in terms of the letter no.2641 dated 16.07.2021. In the meanwhile, a title suit bearing Title Suit No.182 of 2021 was filed with respect to the land bequeathed to the School, in question, and the learned Civil Court vide its order dated 14.09.2021 restrained the Donor Chairman (Chandradeo Singh) from operating development and other fund received from the State Government.

4. In view of the order passed in Tile Suit No.182 of 2021 as well as the objection filed by the former Principal, Arbind Kumar Singh, the Board took a decision to constitute Adhoc Managing Committee for smooth functioning of the School till final decision is taken by the Court. The District Programme Officer, (Secondary Education), Saharsa was nominated as Convener of the Adhoc Manging Committee of the School, in question. Pursuant to letter no.5438 dated



16.08.2023, the District Programme Officer, (Secondary Education), Saharsa, made available the list of the Members of the Adhoc Managing Committee and thereafter the Affiliation Sub-Committee of the Board in its meeting dated 25.08.2023 decided to constitute Adhoc Managing Committee of the School and accordingly an Adhoc Managing Committee of the School was constituted vide Board's Letter No.5556 dated 08.09.2023. In the meantime, a grant has been made available by the State Government for Session-2014-15 and 2015-16; however, it has been informed to this Court that since the grant was to be distributed in accordance with the established procedure of the State Government, which required fulfillment of certain standard criteria, but on being found adverse inspection report, affiliation of the School, in question, was suspended.

5. Mr. Gyan Shankar, learned Advocate for the Board has apprised this Court that now the affiliation of the School has been restored vide letter no.3251/25 dated 25.04.2025 issued by the Director (Education), Bihar School Examination Board, the copy of which has been produced before this Court and it has been placed on record. Since there is ongoing dispute with regard to Adhoc Managing Committee; hence, difficulty has been made to release the grant in favour of the School, besides



pendency of Title Suit No.182 of 2021.

6. Learned Advocate for the petitioner refuting the aforesaid contention has submitted that the order passed in Tile Suit No.182 of 2021 is very much clear and the Court has only restrained defendant no.8 (Chandradeo Singh) to operate development or any other fund of the School. The District Programme Officer, Saharsa vide its letter no.108 dated 22.09.2021 made clear that the learned Court has not stayed to release of grant for development. The aforesaid fact has also been reiterated by the Regional Deputy Director, Koshi Division vide its letter no. 885 dated 20.06.2022 that the Court had not stayed to release the fund so that the District Education Officer, Saharsa, is directed to take appropriate steps for making payment of salary.

7. Learned Advocate for the petitioner referring to Annexure-P/21 to the supplementary affidavit, further submitted that the Director Education (Academic), B.S.E.B., Patna vide its letter bearing no.4914 dated 22.05.2023 addressed to the petitioner has made it clear that the Governing Body and Adhoc Committee constituted and approved by the Board vide its letter no.2641 dated 16.07.2021 is permanent and may perform his non-financial work as before; thus, the constitution of



Committee will not be affected till final decision of Title Suit No.182 of 2021.

8. At this juncture, Mr. Gyan Shankar, learned Advocate for the Board, interjected and submitted that the life of the Adhoc Committee is only for three years, which has already completed and thus a fresh Adhoc Committee is required to be constituted.

9. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the materials referred hereinabove, this Court finds that there is an ongoing friction between two fractions of the Managing Committee, besides Title Suit No. 182 of 2021 is pending with respect to the title of the land, in question, which had been bequeathed in favor of the School. Nonetheless, the fact is admitted, the Government of Bihar has released grant in favour of the School and now there is no impediment for releasing the amount in the account of the School for the purposes of disbursing salary to the *bonafide* teaching and non-teaching employees, who have been deprived from their due salary since long, without any justifiable reason. Noticing the conflict between the two Adhoc Committee, earlier the District Programme Officer (Secondary Education),



Saharsa was made as Convener of the Adhoc Managing Committee of the School, in question. In view, thereof, to meet the ends of justice, this Court directs the respondent no.6. the District Education Officer, Saharsa, Bihar to look into the matter and get the grant released in favour of the School and disbursed the same to the *bonafide* employees under his supervision after proper verification in accordance with law. The competent authority shall also look into the matter for proper management and constitution of the Adhoc Committee, in tune with the prescribed rules.

10. The entire exercise must be completed, preferably within a period of eight weeks’ from the date of receipt/production of a copy of this order.

11. The writ petition stands disposed off.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22-08-2025
Transmission Date	

