

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5381 of 2025

Shiv Nath Sharma S/o Late Raj Nandan Sharma, Resident of Village- Pali,
P.S. Naubatpur, District- Patna retired Headmaster of Swami Basudevacharya
Sanskrit High School, Taret Pali, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Special Secretary Cum Appellate Authority, Education Department,
Govt. of Bihar, Patna.
3. The Special Director, Secondary Education Department, Govt. of Bihar,
Patna.
4. Bihar Sanskrit Shiksha Board through its Secretary, Near Chitkohra Pool,
Flat No. 17, Bihar, Patna.
5. The Chairman, Bihar Sanskrit Shikcha Board, Near Chitkohra Pool, Flat No.
17, Bihar, Patna.
6. The District Education Officer, Patna.
7. The Ad-hoc Committee, Swami Basudevacharya Sanskrit High School,
Taretpali, P.S.- Naubatpur, District- Patna.
8. Shri Dharmendra Kumar, S/o Kumar Arjun Singh, an Assistant Teacher of
Sawami Basudevacharya Sanskrit High School, Taretpali, P.S.- Naubatpur,
District- Patna.
9. Shri Santosh Kumar, S/O Sahja Nand Sharma, Resident of Village Pali, P.O.
and P.S.- Naubatpur, District- Patna, an Assistant Teacher of Swami
Basudevacharya Sanskrit High School, Taretpali, P.S.- Naubatpur, District-
Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Respondent/s	:	Mr.Standing Counsel (06)
For the BSSB	:	Mr. S.S. Sundaram, Advocate Mr. Ankit, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-04-2025 1. The petitioner has challenged the order dated 07.11.2023
passed by Special Secretary cum Appellate Authority, Education
Department, Bihar, Patna in Appeal No. 60 of 2013 by which



the appeal has been dismissed as infructuous.

2. The petitioner at the relevant point of time was headmaster of Swami Basudevcharya Sanskrit High School, Taretpali, Naubatpur, Patna. The petitioner had challenged the appointment of the respondent no. 8 & 9 as Assistant Teacher on the ground that their appointment was made without following the rules, procedures and reservation policy and approval of their appointment by the Chairman, Bihar Sanskrit Shiksha Board memo no. 5750 dated 27.09.2013 was erroneous.

3. The Appeal No. 60 / 2013 was registered by the Appellate Authority and considering the submissions advanced by the petitioner and the private respondents the appeal has been dismissed as infructuous.

4. Learned counsel for the petitioner submits that appointment of the private respondents was made by the illegally constituted managing committee of the school which has been approved by the Board without verifying that appointments were done without following proper procedure and without signature of the headmaster of the school. As per the order passed in Appeal No. 28 / 2013 the Board took a decision dated 23.09.2013 that no ad-hoc committee shall be treated as working and directed the headmaster to send the name



for constitution of regular managing committee

5. Learned counsel for the State and the Board submits that there is no infirmity in the order passed by the appellate authority inasmuch as the petitioner was made to retire from the post of headmaster in the year 2014 on the ground of submission of forged certificate and the writ application filed by the petitioner vide CWJC No. 4494 of 2015 was dismissed on 18.05.2015. It is further submitted that F.I.R. No. 154 / 2015 dt: 20.03.2015 has been registered against the petitioner on the order passed by this court. The private respondents were appointed by following proper procedure under the relevant rules by the managing committee on the vacant post and the private respondents are having relevant qualification for the post of assistant teacher. Their appointment has rightly been approved by the Board vide Memo No. 5750 dated 27.09.2013. Since the petitioner was not one of the candidates for the post of assistant teacher and has already retired, he has no locus to pursue the appeal even after retirement

6. I have heard learned counsel for the parties and have gone through the material on record including the impugned order. The appointment of private respondents was approved by the Board in the year 2013 itself. The petitioner had been fighting



litigation for constitution / re-constitution of the managing committee of the school. The case of the petitioner is that the managing committee appointed private respondents without following the procedure is retorted by the Board. The petitioner is not the aggrieved person and was not a seeker of the post.

7. Considering the aforesaid, in my opinion, there is no infirmity in the order passed by Special Secretary cum Appellate Authority, Education Department in Appeal No. 60 of 2013 dismissing the appeal as infructuous.

8. In the result, this writ application is dismissed.

(Anil Kumar Sinha, J)

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