

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.363 of 2025

In
Civil Writ Jurisdiction Case No.10253 of 2023

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Yugal Kishor Singh Suman Son of Late Ram Yatan Singh, Resident of Road No. 6, Magadh Colony, PS Magadh Medical, District Gaya presently posted as the Principal/Professor-in-Charge-cum-Member Secretary, Managing Committee/Governing Body, Tara Inter College, Kako, Jahanabad.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director (Secondary), Education Department, Patna, Bihar.
3. The Chairman, Bihar School Examination Board, Patna, Bihar.
4. The Secretary, Bihar School Examination Board, Patna, Bihar.
5. The Director (Academic), Bihar School Examination Board, (Senior Secondary), Buddh Marg, Patna, Bihar.
6. The District Education Officer, District - Jehanabad.
7. The District Programme Officer (Secondary Education) District- Jehanabad.
8. The President of Managing Committee/Governing Body, Tara Inter College, Kako, Jehanabad.
9. Ram Babu, S/o Balkrishna Sharma, Resident of village- Dangawan, P.S. Jahanabad, District- Jehanabad.
10. Arun Kumar, S/o Late Harihar Nath, R/o village and P.O.- Lav, P.S. Tekari, District- Gaya, Bihar.
11. Kumar Umesh Pandey, S/o Late Brij Bhushan Pandey, R/o village and P.O. - Belaganj, P.S. - Belaganj, District- Gaya.
12. Habib Ahmad Usmani, S/o Md. Ruh Ullah Firdausi, R/o Village and PO Shimla, P.S. - Kasma, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Brisketu Sharan Pandey, Adv
For the Respondent/s : Mr. Ac to Additional Advocate General (13)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 13-10-2025

Appellant, who was 9th respondent in CWJC No.



10253 of 2023 assailed the order of the learned Single Judge dated 29.01.2025 passed in CWJC No. 10253 of 2023.

2. Learned counsel for the appellant submitted that even though writ petition was filed on 21.07.2023, for the first time, matter was listed before the learned Single Judge on 19.09.2024. It was ordered as under:

“Learned counsel for the petitioner prays for and is granted two weeks’ time to file rejoinder to the counter affidavit filed by the respondents.

2. List this case on 26.10.2024.”

3. Thereafter, it was listed on 29.01.2025. The learned Single Judge proceeded to dispose of. Perusal of the order sheet maintained in CWJC No. 10253 of 2023, it is crystal clear that appellant, who is 9th respondent in CWJC No. 10253 of 2023 has not been heard.

4. Be that as it may, even though no orders have been passed on merit, however, learned counsel for the appellant submitted that respondents Ram Babu and three others have not approached this Court with clean hands and they have suppressed certain material information.

5. Taking note of the aforementioned dates and events, it is evident that no notice has been ordered in the writ



petition to the contesting respondents including the appellant who was 9th respondent in CWJC No. 10253 of 2023. On this short count, the appellant has made out a case. Accordingly, order of the learned Single Judge dated 29.01.2025 passed in CWJC No. 10253 of 2023 stands set aside. CWJC No. 10253 of 2023 stands restored on the file. Learned Single Judge is requested to take up the matter at the earliest. Accordingly, the present L.P.A. No. 363 of 2025 stands allowed.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

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