

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6929 of 2024

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Motilal Yadav @ Moti Ray Son of Late Brahmdeo Prasad Yadav @
Brahmdev Ray Resident of Village - Raghunathpur, P.S.- Sahebpur Kamal,
District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Higher Secondary, Government of Bihar, Patna.
2. The Director, Higher Secondary, Education Department, Government of Bihar, Patna.
3. The Secretary, Bihar School Examination Board, Patna having his office at Buddha Marg, Patna, Bihar.
4. The Chairman, Bihar School Examination Board, Patna having his office at Buddha Marg, Patna, Bihar.
5. The Deputy Secretary, Bihar School Examination Board, Patna, having his office at Buddha Marg, Patna, Bihar.
6. The Director, Education, Bihar School Examination Board, Patna, Bihar.
7. The District Magistrate-cum-Collector, District - Begusarai.
8. The District Education Officer, District - Begusarai.
9. The District Programming Officer-cum-Superintendent of Education, District - Begusarai.
10. The Block Education Officer, Sahebpur Kamal, District - Begusarai.
11. The Principal-cum-Headmaster, Shivam Girls High School, Raghunathpur, Under Block Sahebpur Kamal, District - Begusarai.
12. The Incharge Head Master, Rajkiyakrit Tejnarayan plus 2 High School, Shaligrami under Block - Sahebpur Kamal, District - Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan
For the Respondent/s : Mr. Government Pleader (11)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 15-04-2025 1. Heard learned counsel for the parties concerned.
2. The petitioner has filed the present writ application
being aggrieved by the order, dated 24.09.2023, having Memo
No. 5623/2023, annexed at Annexure-P/16, passed by the
Director (Education), Bihar School Examination Board, Patna,



by which the representation of the petitioner declaring him as Donor as well as President of the Managing Committee of the School has been rejected. Consequently, prayer of the petitioner is to declare him as Donor/President of the Governing Body/Managing Committee of the said school.

3. Learned counsel for the petitioner submits that the petitioner donated 10 Kathas of land for construction and establishment of the School, namely, Shivam Girls High School, Raghunathpur, Begusarai, in the year 1981. As per the Regulation of 2011 of Bihar School Examination Board Act, 1852, amended in the year 2013, the donor member is to be made President/Chairman of the Managing Committee on rotation basis. Since the petitioner is the only Donor of the school he is entitled to be the Chairman/President of the Managing Committee of the School.

4. The petitioner was selected as donor member from 03.05.2019 to 16.10.2020.

5. By the impugned order, dated 24.09.2023, the Director (Education), Bihar School Examination Board, has rejected the claim of the petitioner as donor member/President of the Managing Committee on the ground that the value of the donation made by the petitioner is less than Rs. 5000/-.

6. However, learned counsel submits that the



valuation of the 10 Kathas of land was more than Rs. 5000/- at the time of donation and at present its value must be around Rs. 5 Lakh.

7. On the other hand, learned senior counsel for the Bihar School Examination Board referred to the Section 54 (iv) of the Bihar School Examination Board Act, 1976, and submits that the petitioner donated 10 Kathas of land on 25.07.1981 declaring the value of the land at Rs. 500/-. Whereas, as per Section 54 (iv) of the Act, a donor, who has donated assets/things for a value of Rs. 5000/- can only be eligible for declaring himself as a donor member and for consideration of his being the donor member/President/Chairman of the Managing Committee.

8. Referring to the gift deed of the petitioner, learned counsel submits that on the date the gift was made, the provision of being a donor member on the basis of donation of Rs. 5000/- was prevailing, whereas, in the gift deed the value of the land has been declared at Rs. 500/- by the petitioner himself, which is much less than Rs. 5000/- as mentioned in the statute.

9. Since the petitioner is not fulfilling the statutory value fixed in the Act, as such, there is no infirmity in the order passed by the Director (Education), Bihar School Examination Board holding that the petitioner is not fulfilling the criteria for



becoming the donor member of the Managing Committee.

10. I have heard learned counsel for the parties and have gone through the materials available on record.

11. It appears that in the gift deed the value of the land has been declared by the petitioner at Rs. 500/-. It is not disputed that for being a donor member a person has to donate assets/things for a value of Rs. 5000/- as on the date the petitioner made the donation and the market value of the property at present is not relevant in the facts of the case.

12. If the statute prescribes certain things that is required to be followed and not otherwise. Since the statutory provision has not been fulfilled regarding the minimum value of the donation by the petitioner, I do not find any infirmity in the impugned order passed by the Director (Education), Bihar School Examination Board.

13. Accordingly, this application stands dismissed.

(Anil Kumar Sinha, J)

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