

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1588 of 2021

Ranjeet Kumar Mandal S/o Harap Lal Mandal @ Haraf Lal Mandal Resident of Village- Dhapri, P.O. Baluakaliaganj, P.S.-Palasi, District-Araria (Bihar) Pin Code-854333.

... .. Petitioner/s

Versus

1. The State of Bihar through its the Principal Secreary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Govt. of Bihar, Patna.
4. The Special Director, Secondary, Educaton, Government of Bihar, Patna.
5. The Secretary, Bihar Sanskrit Education Board, Patna.
6. The District education Officer, Araria.
7. The District Programme Officer (Establishment), Araria.
8. The Vidyalaya Prabandh Samiti, Tasovar Primary-Cum-Middle Sanskrit School, Dhapri at Palasi Prakhand, in the District of Araria.
9. The Pradhanadhyapak, Tasovar Primary-Cum-Middle Sanskrit School, Dhapri at Palasi Prakhand, in the District of Araria.
10. Rajeev Kumar Mehta S/o Netilal Mandal (Retired Teacher) R/o Village-Dhapri, P.O.- Balua Kaliaganj, P.S.- Palasi, District- Araria (Pin Code- 854333).
11. Dilip Jha S/o Trilok Jha R/o Village- Dengri, P.O.- Sohagamar, P.S.- Bardaha, District- Araria (Pin Code- 854331).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rama Kant Singh, Advocate
For the State	:	Mr. Umesh Narayan Dubey, AC to GP 27
For the Board	:	Mr. Satyam Shivam Sundaram, Advocate
		Mrs. Kumari Sujata sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 24-07-2025 Heard Mr. Rama Kant Singh, learned counsel appearing on behalf of the petitioner, Mr. Umesh Narayan Dubey, learned AC to GP 27 for the State and Mr. Satyam Shivam Sundaram along with Mrs. Kumari Sujata sinha,



learned counsels for the Board.

2. Petitioner has *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-

“That this is an application for issuance of an appropriate writ(s)/direction(s) for directing to the respondents authority to cancel the Recommendation list for appointment on the post of Assistant Teacher which was sent to the Bihar Sanskrit Education Board, Patna by the above-said school Pradhanadhyapak and further directed to respondents to include the name of the petitioner who has obtained higher qualification than the recommended candidates for the appointment of an Assistant Teacher.

And/Or

For any other appropriate relief(s) to the petitioner for which he may be found entitle to in the eye of law.”

3. Learned counsel appearing on behalf of Bihar Sanskrit Shiksha Board (hereinafter referred to as “the Board”) at the outset makes a preliminary objection that the present writ petition is not maintainable. The main grievance of the petitioner is against an institution run by private managing committee, however, he informs that if the petitioner is aggrieved by any action of the managing committee in respect of appointment of the Primary School teachers, Middle school teacher and Secondary school teachers, then he may approach the authority concerned. The notification with regard to appointment and recruitment of an assistant teacher in Sanskrit School is dated 13.02.2015 which prescribes the service conditions of teachers, so appointed.

4. The case of the petitioner is that the petitioner who



was an applicant and having all requisite qualification has not been selected as an Assistant Teacher, whereas the candidates, who were having lesser qualification than the petitioner were selected and their names have been proposed for approval by the Board. So far as the maintainability of the writ petition is concerned, in view of the recent judgment of the Apex Court in case of *St. Mary's Education Society and another vs. Rajendra Prasad Bhargava and others* reported in (2023) 4 SCC 498, particularly, paragraph no. 75.2 thereof, this Court can exercise its power of judicial review to pass prerogative writs.

5. In light of the law laid down by the Apex Court in case of **St. Mary's Education Society (Supra)**, I direct the Secretary of the Board to give due opportunity of hearing to the petitioner, as well as, the members of the managing committee of the school, namely, Primary-cum-Middle Sanskrit school, Dhapri at Palasi Prakhanda, Araria, and take a conscious decision as regard to the approval of the teachers who possess the requisite qualifications prescribed under Section 23(1) of the Right to Education Act, 2009 and the notification issued by the NCTE dated 25.08.2010 and 29.07.2011, expeditiously.

6. The writ petition is, accordingly, disposed of.

7. Interlocutory Application(s), if any, also stands



disposed of.

(Purnendu Singh, J)

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