

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18644 of 2023

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Dr. Kumari Punam, D/o Shri Surya Narayan Singh Yadav, Resident of near
Reliance Communication, Jagdeo Nagar, Danapur - Khagaul Road, P.S. -
Rupaspur, District – Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Bihar School Examination Board (Higher Secondary), through its Secretary, Patna.
3. The Secretary, Bihar School Examination Board (Higher Secondary), Patna.
4. The Director (Education), Bihar School Examination Board (Higher Secondary), Patna.
5. The District Education Officer, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Madhu Prasun, Advocate
	Ms. Renu Kumari, Advocate
For the Respondent/Board	: Mr. Ankit Katriar, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 11-02-2025

Heard Mr. Madhu Prasun, the learned



Advocate for the writ petitioner and Mr. Ankit Katriar, the learned counsel for the Bihar School Examination Board (Senior Secondary).

2. The challenge is to one of the requirements delineated in the Bihar School Examination Board (Senior Secondary) Affiliation By-laws, which specifies that no Headmaster/Principal shall be appointed in a school who is related to any member of the School Managing Committee.

3. Under the By-laws, referred to above, Section 17 deals with School Managing Committee, its constitution, powers and functions. Sub-Clause (2) of Section 17 provides that the School Managing Committee shall consist of certain number of members, which is differently prescribed for a recognized aided school and a private unaided school. The constitution of the Managing Committee requires different persons, namely, Head of the school; two parents of the students of the school; two teachers of the school and two other persons nominated,



to be the members.

4. While prescribing the minimum number of members of the Managing Committee and the source from where they would be selected, sub-Clause (Kha)(vii) of Section 17 (2) further specifies that no Headmaster or Principal would be appointed in a school who is related to any member of the School Managing Committee.

5. The only purpose which it would serve is that nepotism is not given any fillip in the School Managing Committee.

6. A Principal or the Headmaster of a school has many financial powers.

7. In the present case, the challenge has been mounted only on the ground that since the petitioner's father was the Head of the school in his capacity as Donor of the school, the petitioner ought not to have been precluded from being appointed as the Principal of the school.

8. It has been pointed out that the petitioner



was appointed on the post of Headmaster of the school, but when the Bihar School Examination Board (Senior Secondary) reminded the concerned school of the provision referred to above in the By-laws regarding the constitution of the Managing Committee and the proscription of any relative of any one of the members of the Management Committee of becoming the Headmaster of the school, she stepped down. The challenge is basically on the ground of this clause being an impediment in the promotional prospects of the petitioner, who would thus never get any opportunity to become Headmaster of the school.

9. The constitution of the Managing Committee has been made for a purpose so that the school is run properly and the powers and decision making capacities are not limited to a family, especially when it is Government aided school.

10. The concern of the petitioner, therefore, is unfounded.



11. There is no inherent right of a person to be appointed a Headmaster or Principal of a particular school.

12. We do not find any reason to modify, on any ground whatsoever, the constitution of the Management Committee under the By-laws framed in that regard.

13. As a side argument, it was urged on behalf of the petitioner that now there is no member of the Managing Committee present, who can be said to be in any way related to the petitioner.

14. In that case, this impediment would not come in the way of the petitioner being appointed as Headmaster/Principal, in case such a decision is taken.

15. We, hereby, clarify that we have not stated anything about the right or the merit of the petitioner to be made the Headmaster/Principal of the school.

16. The petition is dismissed.



17. The interlocutory application(s), if any,
also stands disposed off.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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