

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.102 of 2024

Sachchida Nand Rai Son of Late Shradha Nand Sharma, Resident of Village and P.O.-Mirapur, P.S.-Sakra, District-Muzaffarpur, Retired from the post of In-charge Headmaster, Sri Krishna Sanskrit Madhyamik Vidyalay Simra, P.O.- Srikant, P.S.- Piar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Vikash Bhawan Patna.
2. The Special Director Secondary Education, Government of Bihar, Vikash Bhawan, Patna.
3. The Special Secretary Cum Appellate Authority, Education Department, Government of Bihar, Patna.
4. The District Education Officer, Muzaffarpur.
5. The Bihar Sanskrit Shiksha Board, Patna office situated at Back Harding Road, House No.17, Near Chitkohra Bridge, Patna.
6. The Chairman, Bihar Sanskrit Shiksha Board, Patna office situated at Back Harding Road, House No.17, Near Chitkohra Bridge, Patna.
7. The Secretary, Bihar Sanskrit Shiksha Board, Patna office situated at Back Harding Road, House No.17, Near Chitkohra Bridge, Patna.
8. The School Managing Committee, through its Secretary, Sri Krishna Sanskrit Madhyamik Vidyalay Simra, P.O.- Srikant, P.S.-Piar, District-Muzaffarpur.
9. Sri Mukund Prasad Thakur, Son of Chandeshwar Prasad Thakur, Resident of Village- Simra, P.O.-Srikant, P.S.-Piar, District- Muzaffarpur.
10. Sri Sanjeet Kumar, Son of Harishankar Sah, Resident of Village- Manikagaghi, P.O.-Manika, P.S.-Mushari, District- Muzaffarpur.
11. Sri Pramod Kumar Son of Kishori Ram, Resident of Village and P.O.- Rampur Hari, P.S.-Minapur, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jay Prakash Sharma, Advocate
For the Respondent/s	:	Mr. Standing Counsel 16
For the BSSB	:	Mr. Satyam Shivam Sundaram, Advocate Mr. Ankit, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 13-10-2025

Heard learned counsel for the parties.

2. The facts of the case is in limited bound. The



petitioner, who had been serving as In-charge Headmaster of Sri Krishna Sanskrit Madhyamik Vidyalay Simra, District-Muzaffarpur, being aggrieved with the action of the then Managing Committee of the School in making appointment of the private respondent Nos. 9, 10 & 11 in a meeting dated 02.10.2014 despite there being a stay of constitution of Managing Committee under order dated 04.09.2014, had preferred C.W.J.C. No. 16618 of 2016.

3. In the earlier round of litigation it was informed to the Court that subsequent to the appointment of the private respondents vide order dated 23.02.2015, the authority of the Managing Committee had been held to be illegal from the date of its constitution on 28.01.2014, but yet the Secretary, Sanskrit Shiksha Board has approved the appointments done by the illegal Managing Committee. However, considering the submission of the Board that the petitioner had alternative efficacious and adequate remedy before the appellate authority i.e. Special Secretary (Secondary Education), Government of Bihar, the writ petition was disposed of with the liberty to approach before the appellate authority.

4. In pursuant to the order dated 30.11.2018 passed in the aforementioned writ petition, the petitioner preferred Appeal No.



20 of 2019, which is put to challenge before this Court in the present writ petition.

5. Learned advocate for the Bihar Sanskrit Siksha Board made a preliminary objection with regard to the maintainability of the writ petition and submitted that the petitioner has no *locus standi* to challenge the appointment of the private respondents, since the petitioner has already superannuated from the post of In-charge Headmaster of the school way back in the year 2018 itself. Referring to the counter affidavit, it is further submitted that the entire issues raised by the petitioner was duly considered by the appellate authority and on being found no merit the claim of the petitioner was turned down. In no circumstances, the petitioner can be said to be an aggrieved person.

6. Having considered the submissions advanced, this Court finds substance in the submissions of learned advocate for the Board. Admittedly, the petitioner has already been superannuated from the post of In-charge Headmaster of the school concerned and thus in no circumstances the petitioner can be allowed to pursue the litigation in official capacity moreover, the legality or illegality of the appointment of concerned teachers are required to be considered by the



employer.

7. In view thereof, this Court does not find any reason to entertain the present application.

8. The present application stands dismissed. However, it is made clear that it is the employer, who is obliged to see the legality of the appointment of their employees, if it warrants.

(Harish Kumar, J)

Nilmani/-

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