

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18015 of 2023

Shyam Sundar Sahu son of Late Mahanthi Sahu, resident of village
Brahmpura, Police Station- Phulparas, District Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Chairman, Bihar Sanskrit Education Board, Patna.
3. The Secretary, Bihar Sanskrit Education Board, Patna.
4. The District Education Officer, Patna.
5. The Block Education Officer, Ghoghardiha, District-Madhubani.
6. The Head Master, Mangal Sanskrit Primary cum Middle School,
Brahmpura, District Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhas Ranjan, Adv.
For the Respondent/s	:	Mr. Anil Kumar Singh, GP-26 Mr. Satyam Shivam Sundaram, Adv. Mr. Aman Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 18-03-2026 Heard learned counsel for the petitioner, learned
counsel appearing for respondent-State and learned counsel for
Bihar Sanskrit Shiksha Board.

2. The petitioner in the present writ application has
prayed for the grant of following reliefs:

*“(A) A Certiorary for setting aside
the order dated 17.08.2023 (Annexure-6)
passed by the Chairman, Bihar Sanskrit
Education Board, Patna whereby the Claim
of the petitioner for life donor member of the
managing committee of Mangal Sanskrit
Primary cum Middle School has been
rejected.*

*(B) A Mandamus commanding the
respondents to make him life donor member*



of the Managing Committee of Mangal Sanskrit Primary cum Middle School, Brahmpura, Block Ghoghardiha, in the District of Madhubani.

(C) Any other relief or reliefs for which petitioner may be found entitled to in the facts and circumstances of the present case may be granted to him.

3. At the outset, learned counsel appearing for respondent-State and for respondent Bihar Sanskrit Shiksha Board raise objection regarding maintainability of the present case on the ground that the petitioner has directly approached this Court without availing the statutory alternative remedy available to the petitioner. In paragraph-7 of the counter affidavit filed by respondent no.1, specific objection to this extent has been raised which is as follows:

“7. That it is most humbly submitted that the instant writ petition is not maintainable for reason that the petitioner has not availed/ exhausted the prescribed alternative remedy Vide Rule 12 of the Bihar State Non-Government Aided Sanskrit School (up to Madhyama) Constitution of Management Committee Rule, 2015 (Annexure-1 to the writ application) which provides that any person aggrieved by the order of the Board or the Chairman, Bihar Sanskrit Shiksha Board shall within 60 days of the passing of the order file an appeal before the Special Director, Secondary Education who shall be the Competent authority to hear and decide the matter.”

4. Upon being confronted with the aforesaid



preliminary objection raised by learned counsel appearing for respondent State and for Bihar Sanskrit Shiksha Board, learned counsel appearing for petitioner submits that he is prepared to avail the alternative remedy and this case may be disposed of accordingly.

5. In view of the submissions made by the parties herein above, this writ application is disposed of granting liberty to the petitioner to file an appropriate appeal before the Special Secretary, Education Department, Government of Bihar, as per the requirement of Section 24 of the Bihar Sanskrit Shiksha Board Act, 1981. This appeal must be filed within four weeks from today along with a petition for condonation of delay. The Appellate Authority shall consider the appeal and also the petition for condonation of delay and decide the same in accordance with law, as expeditiously as possible.

(Alok Kumar Sinha, J)

Prakash Narayan

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