

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.C. (D.B.) No. 02 of 2018

Vidya Bharti Chinmaya Vidyalaya and another ... Appellants
Versus

Subra Palit Respondent

With

A.C. (D.B.) No. 01 of 2018

Manoranjan Prasad Sinha Appellant
Versus

Managing Committee of Vivekanand Vidya Mandir... Respondent

With

A.C. (D.B.) No. 01 of 2019

Upendra Kumar Pandey @ Upendra Pandey ... Appellant
Versus

The Management of Vidya Vikash Samiti Respondent

With

A.C. (D.B.) No. 01 of 2021

Krishna Kumar Jha Appellant
Versus

St. Xavier's School, Bokaro Steel City Respondent

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
SRI ANANDA SEN, J.
HON'BLE MR. JUSTICE RAJESH SHANKAR
HON'BLE MR. JUSTICE RAJESH KUMAR**

For the Appellants : M/s. V.P. Singh (Sr. Advocate), Rashmi Kumar, Amit Kumar Das, Ramawatar Chamarla, Kumar Harsh, Surya Prakash, Suraj Kishore Prasad, Alok Kumar Verma, Mahi, Karuna Nidhi Pandey, Advocates (Party in Person in 01/2018)

Amicus Curiae: M/s Nipun Bakshi, Shubham Sinha, Advocates (in 01/2019)

For the Respondents: M/s. Ajit Kumar (Sr. Advocate), Bhola Nath Ojha, Srijit Choudhary, Abhay Mishra, Abhishek Sinha, Raunak Sahay, Kushal Kumar, Advocates

25/Dated: 21.11.2025

1. Heard.

2. A learned Division Bench of this Court vide its order dated 25.04.2019 had directed the matter to be placed before the Chief

Justice in the administrative side for considering constitution of a Full Bench comprising of Five Hon'ble Judges of this Court for determining the following question:

“Whether, having regard to the provisions of Section 100A of the Code of Civil Procedure, an appeal before a Division Bench of this Court is maintainable under clause 10 of the Letters Patent against a judgment of a learned Single Judge of this Court delivered in exercise of appellate jurisdiction under a statute, which statute does not provide for further intra-court appeal?”

3. Having gone through the records of the case, we find that the reference so made by the learned Division Bench is actually not maintainable, given the fact that the instant appeal has not been filed under Clause 10 of the Letters Patent, but has rather been filed under Section 15 of the Jharkhand Education Tribunal Act, 2005 and, therefore, the question of its maintainability, in such circumstances, does not arise for consideration.

4. Accordingly, the matter is referred back to the learned Division Bench leaving all questions of law and facts open.

(Tarlok Singh Chauhan, C.J.)

(Rongon Mukhopadhyay, J.)

(Ananda Sen, J.)

(Rajesh Shankar, J.)

(Rajesh Kumar, J.)