

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.C.(D.B.) No.2 of 2018

Vidya Bharti Chinmaya Vidyalaya and another

.... **Appellants**

Versus

Subra Palit **Respondent**

With

A.C.(D.B.) No.1 of 2018

Manoranjan Prasad Sinha **Appellant**

Versus

Managing Committee of Vivekanand Vidya Mandir
..... **Respondent**

With

A.C.(D.B.) No.1 of 2019

Upendra Kumar Pandey @ Upendra Pandey

.... **Appellant**

Versus

The Management of Vidya Vikash Samiti
..... **Respondent**

With

A.C.(D.B.) No.1 of 2021

Krishna Kumar Jha **Appellant**

Versus

St. Xavier's School, Bokaro Steel City
..... **Respondent**

CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellants	: Ms. Mahi, Advocate [In A.C.(DB) No.2/2018] Mr. Kumar Harsh, Advocate Mr. T. Mohanta, Advocate [In A.C.(DB) No.1/2021]
<i>Amicus Curiae</i>	: Mr. Shubham Sinha, Advocate [In A.C.(DB) No.1/2019]
In-person	: Mr. Manoranjan Pd. Sinha [In A.C.(DB) No.1/2018]
For Resp. No.2	: Mr. Srijit Choudhary, Advocate Ms. Tanya Rai, Advocate

26/Dated: 22.01.2026

1. All the cases have been listed together having the common issues.
2. For adjudicating the issue of maintainability; the question has been referred for determination, i.e., “as to 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. The said issue is find mentioned in the order dated 25.04.2019 passed by the Coordinate Bench of this Court.
3. Learned *Amicus Curiae* as also the party-in-person appearing in A.C.(DB) No.1 of 2019 and A.C.(DB) No.1 of 2018 respectively have submitted that the issue of maintainability has already been decided by the Special Bench, vide order dated 21.11.2025 passed in A.C.(DB) No.2 of 2018 and analogous cases holding therein that the reference so made by the 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. Accordingly, the matter has been referred back to the learned Division Bench leaving all questions of law and facts open, for ready reference, the order dated 21.11.2025 is being quoted as under: -

“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.”

4. In view of the aforesaid order dated 21.11.2025, all appeals since

are filed under Section 15 of the Jharkhand Education Tribunal Act, 2005 and as such, all the appeals are maintainable to be heard by the Division Bench.

5. Mr. Shubham Sinha, learned *Amicus* appearing in A.C.(DB) No.1 of 2019 has submitted that he has only received the copy of the memo of appeal and not the entire paper book.
6. Office is directed to look into and supply the entire paper book to the learned *Amicus Curiae*.
7. List these cases on 06.02.2026 under the appropriate heading.

(Sujit Narayan Prasad, J.)

(Arun Kumar Rai J.)

22.01.2026
Rohit/-