

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3058 of 2013

IN

Civil Writ Jurisdiction Case No. 13398 of 2009

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GAYETRI PRATHMIK-SAH-MADHYA SANSKRIT VIDYALAYA,
NAUWAGARHI TOWN, P.S.- L.N.M. UNIVERSITY, DARBHANGA
THROUGH ITS HEADMASTER SUNIL MOHAN KANTH SON OF
SURYAWANSHI KANTH.

.... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, SRI AMARJEET SINHA, HUMAN RESOURCES DEVELOPMENT DEPARTMENT NOW EDUCATION DEPARTMENT, BIHAR, PATNA.
2. SRI AMARJEET SINHA, PRINCIPAL SECRETARY, EDUCATION DEPARTMENT, GOVERNMENT OF BIHAR, PATNA.
3. SRI RAJ MUKUL, SPECIAL DIRECTOR (SANSKRIT) SECONDARY EDUCATION, EDUCATION DEPARTMENT, GOVERNMENT OF BIHAR, PATNA.
4. DR. SRI RAMDEO PRASAD, CHAIRMAN, BIHAR SANSKRIT SHIKSHA BOARD, EAST BORING CANAL ROAD, PATNA.
5. THAKUR MANORANJAN PRASAD, SECRETARY, BIHAR SANSKRIT SHIKSHA BOARD, EAST BORING CANAL ROAD, PATNA.

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Advocate.
For the State/s : Mr. Geeta Kumari, G.P. 28.
For the B.S.S.B. : Mr. Shashank Shekhar Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date: 02-03-2015

Learned counsel for the petitioner and learned counsel
for the State are present.

The present contempt application has been filed for
noncompliance of the order dated 25.10.2011 passed in C.W.J.C.
No. 13398 of 2009 whereunder the aforesaid writ application was

allowed setting aside the orders dated 05.01.2006 and 14.07.2009 with observation that in this manner after grant of personal hearing let a final, reasoned and speaking order dealing with all aspects and all facts of law as discussed in the present order be passed within a maximum period of four months from the date of receipt/production of a copy of this order.

Learned A.C. to G.P. 24 submits that in compliance of the order under contempt, after hearing the representation of the petitioner has been considered on 26.08.2014 by the opposite party no. 3 with finding that as per resolution no. 117 dated 03.02.2011 issued under Bihar Non-Government Sanskrit Schools (Condition and Recognition Amended) Rules 2013 the grant-in-aid would be admissible from the date of issuance of the aforesaid notification, i.e., 10.10.2013, which would appear from paragraphs 7 and 8 of the supplementary show cause filed on behalf of the opposite party no. 3.

On the other hand, learned counsel for the petitioner submits the grant-in-aid to the petitioner is to be provided from 01.01.1985 since the date of other 205 schools were granting benefits, as such, the representation of the petitioner has been decided by the opposite party no. 3 vide order dated 26.08.2014 was not in accordance with law. It is further submitted that while

the representation of the petitioner was filed on 30.12.2011 but the same has not been disposed of within four months as per the direction given in the order under contempt.

Since the order, under contempt, has been complied with by the opposite party no.3, therefore, no further action is required. Accordingly, this contempt application is disposed of. If the petitioner feels any grievance, he may take recourse in accordance with law before the appropriate forum.

(Rajendra Kumar Mishra, J)

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