

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.687 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 6571 of 2013

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Kalika Prasad Singh, S/o late Ram Udar Singh, presently posted as In charge H.M. of Anand Sanskrit High School, Mirjapur, Raj Nagar, Madhubani, R/o Vill. Simri, P.S. Raj Nagar, Dist. Madhubani

.... Appellant

Versus

1. State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. Principal Secretary, Education Department, Bihar, Patna
3. The Special Director, Secondary Education, Govt. of Bihar, Patna
4. The Chairman, Bihar Sanskrit Shiksha Board, Patna
5. The Secretary, Bihar Sanskrit Shiksha Board, Patna

.... Respondents

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Appearance :

For the Appellant : Mr. Ram Shankar Das, Advocate.
For the State : Mr. Pawan Kumar Choudhary, Advocate.
Mr. Manish Kumar, A.C. to G.P. 28
Mr. Sanjay Kumar Bharti, Advocate.
For the Board : Mr. S.S. Sundaram, Advocate.
Kumari Sujata Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 03-05-2016

Heard learned counsel for the parties.

2. The order dated 11th of February, 2014 passed by the learned Single Bench of this Court in C.W.J.C. No. 6571 of 2013 is subject matter of challenge in the present Letters Patent Appeal. The said order arises out of writ application filed by the appellant challenging the decision of the State Government dated 06th of February, 2013 (Annexure-35 to the writ application) wherein it was

noticed that the school of the appellant is deficient in infrastructure and that the school of the appellant is not entitled to recognition.

3. During the pendency of the present appeal, the recognition of the Institution run by the appellant was restored as noticed in the interim order dated 31st of March, 2015. The order reads as under:-

“The Principal Secretary, Education Department, Government of Bihar appeared before this Court and an additional counter affidavit is filed.

It is stated that in compliance of the order passed by this Court, recognition has been restored to the institution in all respects, subject to the condition that the appellant shall rectify the deficiencies pointed out in the report of the District Education Officer, Madhubani.

We take on record that, and the appellant shall endeavour that the institution functions in a perfect manner duly fulfilling all the conditions.

Post after six months.”

4. It is further pointed out that in terms of the order dated 5th of February, 2016, the inspection was again carried out by the Principal Secretary, Education Department, Bihar on 12th of February, 2016 and deficiencies in the infrastructure was again pointed out.

5. Learned counsel for the respondents pointed out that the institution of the appellant is deficient in infrastructure and, therefore, cannot be granted recognition, though, recognition has been

restored, earlier subject to the condition that deficiencies pointed out be removed. Learned counsel for the respondents also refers to an order dated 10th of April, 2012 passed by a learned Single Bench of this Court in C.W.J.C. 1727 of 2009 (Sarswati Bhawan Jai Kant Madhyamik Sanskrit Vidyalaya, Chikna Vs. The State of Bihar & Ors.) and other analogous cases which was decided with a direction to the Bihar Sanskrit Shiksha Board to examine the case of the appellant's school in isolation for continuation of its recognition and seek necessary approval of the State Government as prescribed under Section 6 of the Bihar Sanskrit Shiksha Board Act, 1981.

6. We have heard learned counsel for the parties and find that the present Letters Patent Appeal is required to be disposed of in the light of the order passed by the Single Bench of this Court on 10th of April, 2012 in C.W.J.C. No. 1727 of 2009 (Sarswati Bhawan Jai Kant Madhyamik Sanskrit Vidyalaya, Chikna Vs. The State of Bihar & Ors.) with a direction to the Bihar Sanskrit Shiksha Board for considering the availability of the infrastructure for the purpose of recognition. Once the Board finds that the institution of the appellant is not deficient in infrastructure or is capable of meeting out the deficiencies, the Bihar Sanskrit Shiksha Board will make recommendation to the State for necessary orders; otherwise, the appellant will be informed of the deficiencies to enable the appellant

to take recourse to the remedies in accordance with law.

7. The Letters Patent Appeal is, thus, disposed of.

8. All Interlocutory Applications, are disposed of in the light of the present order.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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