

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18190 of 2015

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Devendra Singh, S/o Late Ramjit Singh, Resident of Village- Dumri Phapya, P.S. Taraiya, Distt- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department Education, Government of Bihar, Patna.
4. The Director, Secondary Education, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar

For the Respondent/s : Mr. S.K. Sinha- GP15

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI
ORAL ORDER

4 02-05-2016 Heard learned counsel for the parties.

An identical issue came up before this Court in C. W. J. C. No. 12870 of 2012, where the notification, contained in Annexure-6, dated 21st of May, 2012, published in the Daily Newspaper "Hindustan", was subject matter of challenge. By virtue of this notification, it has been informed that all the institutions, which are receiving grant and recognition from the State Government, shall be fitted as a public authority within the meaning of Section 2 (h) (d) (ii) under Right to Information Act, 2005.

This Court has no hesitation in coming to a conclusion that the institution, in question, falls within the definition, provided

for under Right to Information Act under the above quoted Section that there is no institution of such kind, which does not receive grant in aid from the State Government in view of recognition.

In addition to that the Learned Single Judge, vide order, dated 04.02.2016, passed in C. W. J. C. No. 12870 of 2012 also refused to entertain the writ application on the ground that an Acting Principal has no business to challenge the notification, because the obligation and duty is not cast upon him but on the managing committee and since managing committee was not before the Court of law, the writ application was dismissed.

The said rational also applies in the present case, as the petitioner is the In-charge Headmaster and Principal of the institution, in question.

In view of the aforesaid facts and circumstances, writ application is dismissed.

(Ajay Kumar Tripathi, J)

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