

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4795 of 2013

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1. Bihar Blind People'S Care Society, A Society Registered Under The Societies, Registration Act, Through Its Secretary Dr. S.N. Upadhya, 339, M.I.G., Kankarbagh Colony, P.S.- Kankarbagh, Town And District- Patna

.... Petitioner/s

Versus

1. The Union Of India Through The Secretary Department Of Secondary And High Education, Ministry Of Human Resources Development, Govt. Of India, Shastri Bhawan, New Delhi
2. The Secretary Department Of Secondary And Higher Education, Ministry Of Human Resources Development, Govt. Of India, Shastri Bhawan, New Delhi
3. The Secretary Department Of Finance, Government Of India, North Block, New Delhi
4. The Desk Officer Ministry Of Human Resource Development (Department Of Education), Government Of India, New Delhi
5. The State Of Bihar Through The Secretary-Cum-Commissioner Human Resources Development Department, Govt. Of Bihar, Patna
6. The Secretary-Cum-Commissioner Finance Department, Government Of Bihar, Patna
7. The Director State's Educational Research And Training Council, Bihar, Patna- 800006.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 6762 of 2013

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1. Bihar Blind People's Care Society A Society Registered Under The Societies, Registration Act., Through Its Secretary Dr. S.N. Upadhya 339, M.I.G. Kankarbagh Colony, P.S. Kankarbagh, Town And District - Patna

.... Petitioner/s

Versus

1. The Union Of India Through The Secretary, Department Of Secondary And Higher Education, Ministry Of Human Resources Development, Govt. Of India, Shastri Bhawan, New Delhi
2. The Secretary Department Of Secondary And Higher Education, Ministry Of Human Resources Development, Government Of India, Shastri Bhawan, New Delhi
3. The Secretary, Department Of Finance, Government Of India, North Block, New Delhi
4. The State Of Bihar Through The Secretary - Cum - Commissioner, Human Resources Development Department, Govt. Of Bihar, Patna
5. The Director, State's Educational Research And Training Council, Bihar, Patna - 800006

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 9313 of 2013

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1. Bihar Blind People's Care A Society Registered Under The Societies Registration Act, Through Its Secretary, Dr. S.N. Upadhya S/O 339,M.I.G. Kankarbagh Colony, P.S- Kankarbagh, Town And District- Patna.

.... Petitioner/s

Versus

1. The Union Of India Through The Secretary, Department Of Secondary And Higher Education, Ministry Of Human Resources Development, Govt. Of India, Shastri Bhawan, New Delhi.
2. The Secretary Department Of Secondary And Higher Education Ministry Of Human Resources Development Department, Government Of India, Shastri Bhawan, New Delhi.
3. The Secretary, Ministry Of Finance, Government Of India, North Block, New Delhi.
4. The Desk Officer, Ministry Of Human Resources Development Department (Department Of Education), Government Of India, New Delhi.
5. The State Of Bihar, Through The Secretary- Cum- Commissioner, Human Resources Development Department, Government Of Bihar, Patna.
6. The Secretary- Cum- Commissioner, Finance Department, Government Of Bihar, Patna.
7. The Director, State's Educational Research And Training Council, Bihar, Patna-800006.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 8011 of 2013

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1. Bihar Blind People's Care Society, Through Its Secretary Dr. S. N. Upadhya, A Society Registered Under Society Registration Act, Bearing Registration No. 46/90-91, Having Registered Office At 339, M.I.G. Kankarbagh Colony, P.S. Kankarbagh, Town And District- Patna

.... Petitioner/s

Versus

1. The Union Of India Through The Secretary, Department Of Secondary And Higher Education, Ministry Of Human Resources Development, Govt. Of India, Shastri Bhawan, New Delhi
2. The Secretary Department Of Secondary And Higher Education, Ministry Of Human Resources Development, Government Of India, Shastri Bhawan, New Delhi
3. The Secretary, Department Of Finance, Government Of India, North Block, New Delhi
4. The State Of Bihar Through The Secretary, Primary Education Department, Govt. Of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Sr. Advocate
Mr. Sunil Srivastava
For the Respondent/s : Mr. S.D. Sanjay, Sr. Advocate, Addl. Solicitor General
Mr. Anshay Bahadur, C.G.C.
Mr. Gyan Prakash Ojha, G.P.-22.
Mr. Mahboob Ashraf, A.C. to S.C.-27
Mr. Praveen Prakash
Mr. P.L. Jaiswal

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 29-01-2016

All the four applications raise common issues. The petitioner society is petitioner in all the cases. They pertain to the claim of the petitioner society to receive grant from the Central Government under the scheme called “Integrated Education for the Disabled Children, 1992” framed by the Human Resources Development Department, Government of India. The scheme was in vogue since 1992 to 2005-06. The grievance of the petitioner is that the grant to which the society is entitled has not been paid for diverse years except for the year(s) 1994-95 and 2000-01.

Mr. Singh has drawn attention of the Court to an order dated 11.05.2010 passed in C.W.J.C. No. 4224 of 2002 and its analogous cases (Annexure-16) and the order passed in the connected contempt application on 16.03.2012 (Annexure-17) wherein the Court observed as under:-

“There is no materials in Annexure-5 to show that the decision was made after making communication with the petitioner. This may be on account of the fact that petitioner’s claim was forwarded by the



State Government with its own comments and the competent authority of the Central Government may not have found any need for further communication with the petitioner. However, in view of specific direction of the Division Bench that the decision should be taken after communication with the petitioner, we are of the view that instead of proceeding in contempt jurisdiction against the Opposite parties, we should provide an opportunity to the petitioner to place all his materials before the concerned authority by way of a representation, which shall be decided by the competent authority in accordance with law keeping in view all the relevant materials which may be made available by the petitioner.”

Mr. S.D. Sanjay, Additional Solicitor General appearing for the Union of India, referring to the statement made in the counter affidavit, has, however, submitted that no proposal for release of grant for period 1995-96 to 1999-2000 was received from the State Government. He, however, does not dispute that the representation of the petitioner is still pending consideration.

Counsel for the petitioner states that he shall be satisfied if the applications are disposed of by directing the respondent Union of India to take a decision on the pending representation of the petitioner in accordance with law.

Considering the above, the applications are disposed of by directing the appropriate/competent authority of the respondent Union of India where the matter is pending to consider and dispose of the representation of the petitioner, if not already disposed of, under

intimation to the petitioner, as quickly as possible preferably within three months from the date of receipt/production of a copy of this order before the concerned respondent.

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(Kishore Kumar Mandal, J)