

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10999 of 2014

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1. Adarsh Kanya Madhya Vidyalay, Parasia, represented through its Principal namely Bhawani Sharan Tiwari, situated at Anchal Darauli, P.S. Siwan, District Siwan.
 2. Bhawani Sharan Tiwari W/o Late Ramadhar Tiwari Principal, in Praswikrit Adarsh Kanya Madhya Vidyalay, Parasia, Anchal Darauli, P.S. Siwan, District Siwan.
 3. Shiv Kumar Mishra S/o Sri Surendra Mishra Teacher's Representative in Praswikrit Adarsh Kanya Madhya Vidyalay, Parasia, Anchal Darauli P.S. Siwan, District Siwan.

.... Petitioner/s

Versus

1. The Union of India through Secretary Ministry of Education, Government of India.
2. The State of Bihar through Principal Secretary, Department of Education, Govt. of Bihar.
3. The Principal Secretary, Department of Education, Government of Bihar.
4. The Principal Secretary, Department of Finance, Government of Bihar.
5. The Principal Secretary, Human Resources Development Department, Ministry of Human Resources, Govt. of Bihar.
6. The Director Secondary Education.
7. The Director Primary Education.
8. The Collector of the District Siwan.
9. The District Education Officer, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Dr. Anshuman, Advocate.
For the Respondent No. 1: Mr. Kanak Verma, CGC
For the Respondent/s : Mr. Dhurjati Kumar Prasad, G.P. 14

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-12-2016

Heard learned counsel for the parties.

The petitioner has moved the Court being aggrieved by non-disposal of his application under Section 11 of the Model Rules under the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the 'Act').



At the very outset, learned counsel for the State submitted that the Rule itself contemplates that the application has to be filed within three months of the commencement of the Act, whereas in the present case, the application itself was filed much beyond the said time frame and thus there is no application pending before the authorities in the eyes of law requiring them to even consider the same.

Learned counsel for the petitioner submitted that he is not aware as to when the Act was promulgated so as to be aware of the time limit for filing his application.

Having considered the matter, the Court does not find any ground to interfere in the matter. Accordingly, the writ application stands disposed off with liberty to the petitioner to move the appropriate authority in accordance with law for redressal of his grievance as raised in the present writ application.

(Ahsanuddin Amanullah, J.)

Prakash

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