

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.349 of 2014
IN
Civil Writ Jurisdiction Case No. 19688 of 2011**

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Shashi Bhushan Mishra Son Of Late Mathura Nath Mishra, Resident Of Salimpur Ahra, Lane No.2, Police Station- Gandhi Maidan, District- Patna, The Elected Secretary Of Bal Jagriti Middle School, Goriya Toli, Patna And Jain Middle School, East Lohanipur, Patna

.... Appellant

Versus

1. The State Of Bihar through the Chief Secretary, New Secretariat, Bihar, Patna
2. The Principal Secretary-Cum-Secretary, Human Resources Development, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The Deputy Development Commissioner, Department of Education, Patna Sadar, Patna
5. The Additional Secretary, Finance Department, Government of Bihar, New Secretariat, Patna
6. The District Education Officer (D.E.O.), Patna, Bihar
7. The District Programme Officer, Department Of Education, Patna, Bihar
8. The Sub-Divisional Education Officer-Cum-Incharge Mid-Day-Meal Scheme, Patna Collectorate, Patna

.... Respondents

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Appearance :

For the Appellant : Mr. Ajoy Kumar Chakraborty, Advocate
For the Respondents : Mr. Sanjay Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 16-03-2017

Heard learned counsel for the appellant and counsel for the State.

The clear finding of the learned single Judge is that the schools in question is not eligible for grant which they are looking for through the writ Court because of the policy in place and vogue.

It is also evident from the detailed counter affidavit as



well as the supplementary counter affidavit filed on behalf of the respondents that this institution has been in habit of litigating time and again and filing repeated writ applications for the same cause of action. The matter was considered in detail by the Principal Secretary, Human Resources Development Department, and it was rejected by a detailed order passed on 18.01.2010, a copy of which is Annexure-B to the counter affidavit of respondent No.7. Merely coming to the Court again and again does not make the case any better than what it originally was or is.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.03.2017
Transmission Date	N/A

