

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3800 of 2016

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Anant Kumar Jain Vidya Pith, Gopali Chowk, Mahajan Toli No. 1, Ara, through its Principal Saroj Kumar Mishra, S/o late Deopati Mishra, Resident of Village - Baluan, P.S. - Daulatpur, P.S. - Ara Munsif, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Human Resources Department, Government of Bihar, Patna.
4. The District Magistrate, Bhojpur at Ara.
5. The District Development Commissioner, Bhojpur at Ara.
6. The District Superintendent of Education, Bhojpur at Ara.
7. The Programme Officer, Bhojpur, Ara.
8. The District Education Officer, Bhojpur, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chakrapani, Advocate
Mr. Sanjay Kumar Singh, Advocate
Mr. Madhuresh Singh, Advocate
Mr. Ashutosh Kumar, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-05-2017

The question involved in this Public Interest Litigation is as to whether an Institute in question, namely, Primary School, known as Anant Kumar Jain Vidya Pith, Gopali Chowk, Mahajan Toli No. 1, Area, managed by a minority Jain community is entitled to be taken over by the State Government and further as to whether the Institute is entitled to be awarded or accorded status of a minority



Institute. On going through the records, we find that based on certain recommendations made by the District Programme Officer on instructions from the Minister concerned way back in the year 1990 the reports were prepared and submitted to the competent authority of the State Government, namely, the Director (Primary Education), Government of Bihar and till date a final decision with regard to this aspect of the matter has not been taken by the Director concerned. Further reports have also been submitted in the year 2015 which is yet to be taken up for consideration and decision taken.

That being so, for the present without entering into the controversy on merit and without expressing any opinion on the claim made by the petitioner in this Public Interest Litigation, the Director, Primary Education is directed to take note of the grievance of the petitioner and take a decision either way within a reasonable period.

Accordingly, this petition is disposed of with the following directions:-

On the petitioner's filing a copy of this order along with relevant document, the Director, Primary Education, Respondent No. 3 shall take up the question of taking over of the Institute in question or in the alternate grant it a minority status, evaluate various aspects of the matter, if required, hear the persons concerned and thereafter take a decision and pass a speaking order within a period of two



months from the date of receipt of a certified copy of this order.

Needless to emphasize that if still aggrieved, liberty shall be available to the parties to agitate the same afresh in accordance with law.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	09.05.2017
Transmission Date	

