

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.654 of 2014
IN
Civil Writ Jurisdiction Case No. 844 of 2005**

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Devaki Govind Prathmik Sah Madhya Sanskrit Vidalaya, Kaushalpur (Amarpur)
District - Banka through its Teacher Representative Subhash Prasad Sharma
Resident of Village - Shiyadih, P.S. - Bath (Sultanganj), District - Bhagalpur.

.... Appellant

Versus

1. The State of Bihar.
2. The Secretary, Human Resources Development Department, Bihar, Patna.
3. The Special Director, Secondary Education, Bihar, Patna
4. The Union of India, through the Secretary, Human Resources Development Department of Education, New Delhi.
5. The Secretary Finance Department, State of Bihar, Patna.
6. The Assistant Education Advisor, (Sanskrit) Human Resources Development Department of Education, Government of India, New Delhi.
7. The Joint Secretary (Language) Human Resources Development Department of Education, Government of India, New Delhi.
8. Vice Chancellor, Rastriya Sanskrit Sansthan, 56-57 Institutional Area Janakpuri, New Delhi 58.

.... Respondents

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Appearance :

For the Appellant : Mr. S.K.Verma, Advocate
Mr. Vijay Kumar Verma, Advocate
For the Respondent State: Mr. Yogendra pd. Sinha, AAG-7
Mr. Shankar Kumar, AC to AAG-7
For the Respondent No.8 : Mr. Rabindra Kr. Priyadarshi, Advocate

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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: 18-03-2017

Heard learned counsel for the appellant and counsel for
the State as well as for the Rashtriya Sanskrit Shiksha Sansthan.

The order under challenge is dated 20th September,
2013, because the learned single Judge dismissed the writ application
on the ground that there is no cogent, valid and unimpeachable



evidence to reach a conclusion that the school is functional and teaching is continuing. In the disputed situation, the Court refused to exercise its discretion under Article 226 of the Constitution of India.

Besides the above fact, a wishy washy kind of evidence was brought on record to show the functioning of school. This Bench also observes that since the so-called release of funds or grant by the Central Government relates to the year 1996-97 and 1997-98 and 20 years have already gone past and it is not a recurring allocation of funds for release, therefore, at such a belated stage, no direction could be given for release of any fund from the Rashtriya Sanskrit Shiksha Sansthan. Even this is good ground not to interfere with the impugned order.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
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