

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2296 of 2017

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Ram Bishun Singh Son of late Bhikhari Singh Resident of Village- Dalippur,
P.S.- Dhangai (Jagdishpur), District- Bhojpur, Arrah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar Patna.
2. The Principal Secretary, Human Resources Department, Bihar, Patna.
3. The Special Director Secondary Education, Bihar, Patna
4. The Director, Secondary Education Bihar, Patna.
5. The Secretary Bihar Sanskrit Shiksha Board, Patna.
6. The District Magistrate, Bhojpur, Arrah.
7. The District Education Officer Bhojpur, Arrah.
8. The District Programme Officer (Establishment), Bhojpur, Arrah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suresh Prasad Singh Mr. Upendra Prasad
For the State	:	Mr. Jitendra Kumar Roy No-1 SC-13
For the Board	:	Mr. S.Sundaram

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 16-04-2018 This writ application has been filed seeking
following relief:-

- “I. To grant approval to the Scale with salary of the petitioner namely Ram Bishun Singh as Assistant Teacher of Primary cum Sanskrit Middle School, Dalippur Bhojpur and other said School Teachers.
- II. To Provide all the financial benefit of the petitioner.”

Learned counsel counsel, appearing on behalf of the
petitioner, has submitted that the case of the present petitioner is



identical to the cases of the writ petitioners of CWJC No. 2787 of 2017, which came to be disposed of on 13.10.2017 by this Court. Following is the relief portion of the said order:-

“7. Learned counsel appearing on behalf of the petitioners has submitted that in similar circumstance other Schools, which were recommended by the Board for grant of prior approval of recognition have been granted approval and subsequently recognition also. He has submitted referring to the said list sent by the Board on 16.01.2015 that against the Schools falling at serial Nos.32,39 and 42, remark column is empty, it is not known under what circumstance, the Department granted approval of recognition of more number of Schools than recommended by the Board and excluded these three Schools from the said privilege, he contends He submits that the State-Respondents are acting arbitrarily and discriminating the petitioners against others, who have been granted recognition though the petitioners had better right to get such recognition.

8. The Court cannot issue a direction to the State-Respondents to grant recognition on the basis that other Schools have been granted recognition in



breach of the mandatory statutory provisions. An illegality cannot be allowed to perpetuate under the orders of this Court.

9. However, since specific stand is being taken on behalf of the petitioners of discrimination, I consider it appropriate to direct the Principal Secretary, Education Department, Government of Bihar, to examine as to in what circumstance, other 69 Schools have been granted recognition through resolution, dated 08.09.2015. The Principal Secretary, Education Department, will be obliged to examine each and every case of the Schools, who have been granted recognition and if it transpires that recognition has been granted in teeth of the statutory provisions, he shall be required to proceed accordingly, in accordance with law, for cancellation of recognition in favour of such Schools, where recognition is found to have been granted illegally. It is also indicated that if the Principal Secretary, Education Department decides to proceed for cancellation of recognition of any Sanskrit Schools which have been granted approval for recognition through resolution, dated 08.09.2015, he should



take care that the same is done, in accordance with the provisions of law and in compliance of the principles of natural justice.

10. It goes without saying that if the petitioners are able to satisfy that they fulfill the requisite criteria for grant of recognition in future, the respondents shall be required to consider their cases for grant of recognition afresh, in accordance with law.”

This writ application is also disposed of in terms of the said order of this Court dated 13.10.2017.

(Chakradhari Sharan Singh, J)

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