

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13355 of 2017

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1. Ashok Kumar Singh, Son of Late Janak Singh, Resident of Village and P.O. Dumari Ada, P.S.- Doriganj, District Saran at Chhapra, retired Headmaster of Gagandeo Narayan Singh High School, Dhanaura, P.O. Kothia, P.S. Autarnagar, District- Saran.
 2. Jitendra Narayan Singh, Son of Sri Mangal Prasad Singh, Resident of village and P.O. Pokhrai, P.S. Taraiya, District- Saran at Chhapra, Presently posted as a Clerk in Prabhunath Jamadar High School Pokhrai, Anchal Taraiya, District- Saran.
 3. Alok Kumar, Son of Sri Subhash Pandey, resident of Village and P.O. Puchhari, P.S. Baniapur, District- Saran at Chhapra, presently Posted as an Assistant Teacher in Pyaro Devi High School, Dumari, Anchal Khairi, District- Saran.
 4. Ali Azam Ansari, Son of Mahmood Ansari, Residing at Khairi, P.O. and P.S.- Khairi, District Saran at Chhapra, presently working as an Assistant Teacher Dr. Saiyad Mahmood Memorial Girls High School, Mahmood Chak Chhapra, Anchal Sadar, District- Saran.
 5. Chandra Mohan Singh, Son of Late Vishwanath Singh, resident of Village and P.O.- Rasalpur, P.S. Doriganj, District- Saran at Chhapra, presently working as Headmaster in High School Dumari Ada, Anchal Sadar, District- Saran.
 6. Pramod Kumar, Son of Badri Das, resident of Village and P.O. Kharika, P.S. Sonpur, District- Saran at Chhapra, Presently working as an Assistant Teacher in Ram Sunder Das Girls High School, Kharika Anchal Sonpur, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate

For the Respondent/s : Mr. Prabhat Ranjan Singh, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 20-04-2018

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

2. The grievance of the petitioners in the present writ petition is non-distribution of the fund to the institution imparting



instruction on uniform basis.

3. Learned counsel for the petitioners submits that the State Government cannot discriminate one institution qua the other institution in the matter of even distribution of largess and bounty. Law in this regard is well settled. The Apex Court in the case of **Ramana Dayarma Shetty Vs. The International Airport Authority: AIR 1979 SC 1628** has held out that the State cannot discriminate even in the matter of distribution of largess and bounty.

4. In view of the law laid down by the Apex Court in the case of **R.D. Shetty** (Supra), the State in the matter of distribution of fund under the Bit Rahit Shiksha Niti is required to adopt uniform pattern and cannot be allowed to make pick and choose.

5. Accordingly, the respondent-authorities are directed to distribute the funds under the Bit Rahit Shiksha Niti on uniform basis without following pick and choose.

6. In case the other institutions have been granted the benefit of allocation of fund based on performance of the students of the institution, the State-authorities are required to provide fund to all such institutions and adopt uniform standard on the basis of policy of allocation of fund on the performance of the students of the Institution.

7. The entire exercise for distribution of the fund on



uniform basis in the whole State should be carried out by the respondents within a maximum period of four months from the date of receipt/production of a copy of this order.

8. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2018
Transmission Date	

