

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18164 of 2017

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1. Bihar Intermediate Shikshak Avam Shikshaketar Karmchari Mahasang through General Secretary, Ganesh Prasad Singh & Anr Son of Late R.N Singh, residing at Shivajipath Yarpur, Rajputana, P.S. Gardanibag, P.O. G.P.O., District- Patna.
 2. Sunil Kumar Chaudhary, Son of Late Shital Chaudhary, at present working as Principal Dr. Ganga Rani Sinha Intermediate College, Nawada, P.O. P.S. and District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Secretariat, Govt. of Bihar, New Secretariat, Patna.
2. The Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The Director, Higher Education, Govt. of Bihar, New Secretariat, Patna.
4. Bihar School Examination Board, Sinha Library Road, Patna.
5. The Chairman, Bihar School Examination Board, Sinha Library Road, Patna.
6. The Secretary, Bihar School Examination Board, Sinha Library Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Advocate
For the State	:	Mr. AC to SC- 13
For BSEB	:	Mrs. Binita Singh,, Advocate
		Mr. Sudhanshu Trivedi, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 11-04-2018 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The grievance of the petitioners in the present writ petition is non-distribution of the fund to the institution imparting instruction on uniform basis.



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 Dayaram 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.

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.

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

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.

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.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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