

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17148 of 2017

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1. Ramadhar Singh, Son of Sri Norbhya Singh, R/o Village-Chandrahi, P.O.- Chiraila, P.S.- Kasma, District- Aurangabad, who is Principal of Sanskrit Primary-cum-High School, Chandratri, District- Aurangabad.
 2. Shubham Kumar, Son of Sri Ashok Pathak, Mohalla- P.O.+P.S. +District- Aurangabad.
 3. Avinash Kumar, Son of Sri Shivadhar Singh, R/o Village-Chaudhari, P.O.- Chiraiya, P.S.- Kasma, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education Bihar, Patna.
2. The President, Bihar Sanskrit Sikchha Board-17, Back Harding Road Patna, Bihar- 800001.
3. The Secretary, Bihar Sanskrit Sikchha Board-17, Back Harding Road Patna, Bihar- 800001.
4. The Examination Controller, Bihar Sanskrit Sikchha Board, Back Harding Road Patna, Bihar- 800001.
5. The Special Director, Madhyamik Shikchha Bibhag, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh
For the Respondent/s	:	Mr. KAMESHWAR KUMAR -GP17
For the Board	:	Mr. Satyam Shivam Sundram
		Mr. Shashank Shekhar Jha, Advocates

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 24-01-2018 Heard learned counsel for the parties.

2. This writ application has been filed seeking direction to the respondents to abide by the provisions of the Rules of Bihar Sanskrit Skisha Board Rules, 1994 (hereinafter referred to as the Rules), in the matter of syllabus, pattern of examination for Madhyama. The said Rules have been brought on record by way of Annexure-4 to the writ application, which have been



framed in exercise of power under Clauses (cha), (chha) (ja) and (jha) of sub-section (2) of Section 6 of the Bihar Sanskrit Siksha Board Act, 1981.

3. It is the stand of the petitioners that the subjects of examination have been prescribed under Rule 13 of the said Rules and deviating from the same, the Bihar Sanskrit Siksha Board is holding examination of Madhyama with subjects different from what have been incorporated in the said Rule 13.

4. A counter affidavit has been filed on behalf of the Bihar Sanskrit Siksha Board stating therein that previously Madhyama examination was conducted in accordance with the provisions of 1994 Rules consisting of total 10 (ten) papers. It has been stated that in exercise of same powers and functions of the Board as conferred under Section 6, the Bihar Sanskrit Siksha Board had decided to adopt new syllabus for conducting Madhyama examination. It has been stated that the said syllabus has been approved by the Education Department, Government of Bihar in the year 1998 and accordingly as per new syllabus, Madhayma examinations have been conducted since 2001 onwards.

5. Learned counsel appearing on behalf of the petitioners has submitted that despite adoption of new syllabus by the Bihar Sanskrit Siksha Board, the provisions under the 1994 Rules



have not been amended and, therefore, Sanskrit Siksha Board is bound to follow what is prescribed in the 1994 Rules. The submission advanced on behalf of the petitioners are not very convincing.

6. It is evident from 1994 Rules that the same were framed in exercise of power under Clauses (cha), (chha) (ja) and (jha) of sub-section (2) of Section 6 of the Bihar Sanskrit Siksha Board Act, 1981. Section 6 of the Act provides the powers and duties of the Board. Sub-section (2) of Section 6 confers upon the Board, jurisdiction to regulate, supervise and control Sanskrit education up to Madhyama. Clause (gha) confers upon the Board to prescribe syllabus, course of studies and books, by making Rules. Clause (chha) confers upon the Board duty to hold examination up to the level of Madhyama and framed rules in this regard.

7. It appears that the Bihar Sanskrit Siksha Board has now adopted new syllabus, which has been approved by the State Government and examination is being conducted on the basis of new syllabus since 2001. Only because it does not indicate amendment in 1994 Rules, it cannot be said that subsequent syllabus could not be given effect to. Since in my view, subsequent syllabus has been prescribed and pattern of



examination has been adopted in exercise of the same power in which the earlier 1994 Rules were framed the part of the rules which prescribes subjects and pattern of examination stands amended.

8. I do not find any merit in this application.

9. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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