

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.441 of 2016

In

Civil Writ Jurisdiction Case No.13758 of 2013

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Mithila Mithilesh Sanskrit Prathmik Sah Uchcha Vidyalaya, Jalwar, P.O. Kamrauli, P.S. Simari, District Darhanga through its Headmaster, Shri Shiv Narayan Thakur, son of late Tapeswar Thakur, resident of village Jalwar, P.S. Simari, District Darhanga

... .. Appellant

Versus

1. The State Of Bihar through the Principal Secretary (Secondary Education), Department of Education, Bihar, Patna
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The Special Director (Sanskrit), Department of Education, Govt. of Bihar, Patna
4. Sri Raj Mukul, son of not known to petitioner, at that time posted as Special Director (Sanskrit), Department of Education, Govt. of Bihar, Patna
5. Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna at present back of Harding Road, Patna through its Chairman
6. The Chairman, Bihar Sanskrit Shiksha Board, back of Harding Road, Patna
7. The Secretary, Bihar Sanskrit Shiksha Board, back of Harding Road, Patna

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Durga Nand Jha, Adv.
For the Respondent/s : Mr. Satyam Shivam Sundaram, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

23 12-12-2018 Heard learned counsel appearing on behalf of the appellant, learned counsel for the Bihar Sanskrit Shiksha Board and learned counsel for the State.

This appeal arises from an order dated 18.1.2016 passed by learned Single Judge in C.W.J.C.No. 13758/2013 whereby the writ petition was disposed of with directions.



Matter relates to recognition of the petitioner Institution and which eluded the Institution because according to the Bihar Sanskrit Shiksha Board it did not fulfil the eligibility condition. It is feeling aggrieved that the appellant approached the learned Writ Court in C.W.J.C.No. 13758/2013 and which writ petition was disposed of with a direction to the Secretary as well as the Special Director to carry out verification and take a decision on recognition matter within three months of the receipt/ production of a copy of the order.

Prima facie this Court does not find any reason for the appellant to move further in intra-Court appeal because the direction is already present in the order of the learned Single Judge.

We do note that under different orders of this Court directions were issued to complete verification aspect and take a decision on the same in the light of the order passed by the Writ Court. The last of the order recorded on 25.9.2018 records a submission made by the learned counsel representing the Sanskrit Shiksha Board that inspection has been carried out but no order was passed. It is taking note of such submission that the matter was adjourned but there is no affidavit filed thereafter by the Board.



In the circumstances so discussed, we do not intend to keep this appeal pending for the direction is already present in the order of the learned Single Judge whereunder an obligation is cast upon the Bihar Sanskrit Shiksha Board to take a final decision in the matter and in case the Board has not abided by the directions, the appellant- writ petitioner has sufficient remedy available for approaching the proper forum but in the nature of the directions so present we are not persuaded to interfere therewith save and except to remind the Bihar Sanskrit Shiksha Board to take the issue to its logical conclusion and since the period stipulated in the order of the learned Single Judge has long expired, it would only be advisable to them to discharge their obligation with a sense of urgency.

With the observations above, we dispose of the appeal.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

Surendra/-

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