

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8356 of 2016

Sanjeev Kumar, S/o Sri Mahendra Pathak, Resident of Village- Bhojpur Colony, Ram Lakhan Path, Ashok Nagar, Road No-8, P.S. Kankarbagh, Dist-Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Human Resources Department, New Delhi.
2. The State of Bihar through the Principal Secretary, Department of Human Resources, Government of Bihar, State- Patna.
3. Central Board of Secondary Education (C.B.S.E) through its Secretary, New Delhi.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5564 of 2017

Deepak Kumar, S/o Birendra Kumar Singh, resident of Mahaveer Colony, Anisabad, Beur.

... .. Petitioner/s

Versus

1. The Union of India.
2. The Secretary, Human Resource Development Ministry, Govt. of India, New Delhi.
3. State of Bihar through its Chief Secretary.
4. The Director, Department of Human Resource Development, Govt. of Bihar.
5. The Central Board of Secondary Education(CBSE) through its Director.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 8356 of 2016)

For the Petitioner/s	:	Mr. Ram Sandesh Roy, Advocate
For the State	:	Mr. Nagendra Pd. Yadav, SC-23
For the Union of India	:	Mrs. Nivedita Nirvikar, Advocate
For CBSE	:	Mr. Vinay Kishore Tripathi, Advocate

(In Civil Writ Jurisdiction Case No. 5564 of 2017)

For the Petitioner/s	:	Mr. Anju Mishra, Advocate
For the State	:	Ms. Shilpa Singh, GA-12
For the Union of India	:	Mrs. Nivedita Nirvikar, Advocate
For CBSE	:	Mr. Vinay Kishore Tripathi, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 28-08-2018

The common grievance in both the petitions is with respect to the regulatory mechanism for controlling the fees charged by the private education institutions in the State of Bihar and another grievance voiced in CWJC No.5564 of 2017 is with respect to use of NCERT books in the schools till 10th standard.

So far as the grievance voiced in the petition in respect of regulatory mechanism for controlling fees charged by the private education institutions in the State of Bihar is concerned, it is pointed out in the second supplementary counter affidavit filed on behalf of the respondent no.2, which is in furtherance of the earlier counter affidavits, that the draft of proposed 'Bihar Private Schools (Fee Regulation) Bill, 2018' has been finalized by the Committee constituted, which has been sent to the Law Department for vetting. Thereafter, the Law Department, Government of Bihar has endorsed the file to the learned Advocate General, Bihar for suggestion and advice thereof and the learned Advocate General, Bihar, thereafter, has returned the draft of the proposed Bill with certain suggestions and, in view of the suggestions of the learned Advocate General, Bihar, necessary amendments have been done. It is stated that now the draft shall have to be presented/put up before the State Assembly and Council, which shall be placed before the State Legislature in the next winter session of the House, which is expected to be held in the



month of November or December, 2018 and subject to approval, the same shall be sent to His Excellency, Governor of Bihar so that the same could be notified and published in the State Gazette.

In that view of the matter, it appears that now the further steps are taken. The concerned respondent authorities are directed to act as stated in the second supplementary counter affidavit filed on behalf of respondent no.2 which is in furtherance of the earlier counter affidavits.

Now so far as the grievance which is voiced in CWJC No.5564 of 2017 in respect of use of NCERT books is concerned, let the petitioner file a detailed representation before the appropriate authority with supporting documents, which shall be considered by the appropriate authority, for which we have not expressed anything on merits in favour of either parties.

With this, the present petitions are disposed of.

(Mukesh R. Shah, CJ)

(Dr. Ravi Ranjan, J)

V.K.Pandey/-
Vikash/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	29.08.2018
Transmission Date	N.A.

