IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1459 of 2015
In
Civil Writ Jurisdiction Case No. 12663 of 2012

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1. Ram Pravesh Prasad Shahi Son of Late Jagdish Prasad Shahi resident of Village + P.O. - Baruraj , P.S.- Baruraj , District - Muzaffarpur.
2. Satyendra Kumar son of Suresh Prasad Singh , resident of Mohalla + P.O. - Bhagwanpur, P.S.- Sadar, District - Muzaffarpur.

Versus

1. The State of Bihar.
2. Mr. R.K. Mahajan, Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. Mr. Ram Bhujawan Choudhary , the Director, Secondary Education , Govt. of Bihar, Patna.
4. Mr. Ajit Kumar, Deputy Director, Secondary Education, Govt. of Bihar, Patna
5. Mr. Ganesh Dutta Jha , the District Education Officer Muzaffarpur, District- Muzaffarpur.
6. Mr. Shambhu Prasad Singh Secretary , Governing Body of l.P. Shahi Intermediate College, Patahi, Muzaffarpur.
7. Mr. Ashok Kumar , Incharge Principal , L.P. Shahi, Intermediate College, Patahi, Muzaffarpur.

... . Opp.

Versus

/s

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Appearance :
For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
Mr. Ranvijay Singh, Adv.
Mr. Azimuddin, Adv.
For the Respondent/s : Mr. K.K. Jha, AAG -6
Mr. Mritunjay Kumar, AC to AAG 6

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 16-02-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioners seek initiation of contempt proceedings against the functionaries of the Education Department, Bihar, Patna on the basis of the directions/observations of this Court made in C.W.J.C. No. 12669 of 2012.

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The writ application was disposed of with the following observations:-

> **"Rather than to ask for a counter affidavit when maters appear to be involving more a policy issue, the writ petition itself is referred to the Principal Secretary, Human Resources Development Department to decide the question of the extent of the obligations that the State proposes to take or has decided to take in the policy dated 21.11.2008 with regard to release of grants in aid and cancellation of the same as discussed in the present order.**
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> **The writ application stands disposed with the aforesaid observations.**

A show cause has been filed on behalf of the opposite party nos. 1 to 4. In the said show cause it has been made clear that the petitioner, namely, Ram Pravesh Prasad Shahi has no locus to file the present case as he was never appointed in L.P. Shahi Intermediate College by the Governing Body. This fact is evident from Annexure-A which makes it categorically clear, whereas Annexure- B is the letter by the Secretary of the Bihar School Examination Board which controls this institution. Therefore, since the petitioner was not appointed in the institution, the grants-in-aid could be distributed only between the legally appointed employees of the college. Hence, it has been directed that further steps be taken for release of grants in favour of the concerned institution, namely, L.P. Shahi, Intermediate College.

Thus, no case for proceeding under the Contempt of

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Courts Act is made out.

Thus, the present application is dismissed with liberty to challenge the order which has been passed to their prejudice.

(Anjana Mishra, J)

Jagdish/-

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