

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8469 of 2018

1. Ayodhya Sanskrit Primary Cum Middle School, Dharupur, Police Station- Nokha, District- Rohtas through its Head Master Namely Raj Mantri Singh.
2. Raj Mantri Singh, Son of Late Indradeo Singh, at present posted a Head Master of Ayodhya Sanskrit Primary-cum-Middle School, Dharupur, Police Station- Nokha, District- Rohtas.
3. Sharda Sanskrit Primary-cum-Middle School Baligawan, Police Station- Nokha, District- Rohtas through its head Master namely Ramashish Singh.
4. Ramashish Singh, Son of Late Ramkeshwar Singh, Head Master of Sharda Sanskrit Primary-cum-Middle School Baligawan, Nokha, Rohtas.
5. Ram Swaroop Sanskrit Primary-cum-Middle School Dumra, Police Station- Karahgar, District- Rohtas through its Head Master Sushila Kumari.
6. Sushila Kumari, w/o Om Prakash Singh, the Head Master of Ram Swaroop Sanskrit Primary-cum-Middle School, Dumra, Karahgar, Rohtas.
7. Ram Vachan Sanskrit Primary-cum-Middle School Godania, Police Station- Shiv Sagar, District- Rohtas through its Head master namely Geeta Devi.
8. Geeta Devi, Wife of Sri Rajgrihi Singh head Master of Ram Vachan Sanskrit Primary-cum-Middle School Godania, Shiv Sagar, Rohtas.
9. Deputy Singh Sanskrit Primary-cum-Middle School Sanhua, Police station- Shiv Sagar, District- Rohtas, through its head master namely Priya Kumari.
10. Priya Kumari, W/o Sri Raj Kumar Singh, Head master of Deputy Singh Sanskrit Primary-cum-Middle School Sanhua, Shiv Sagar, Rohtas.
11. Janta Sanskrit Primary-cum-Middle School Shumbha, Police station- Sasaram, District- Rohtas through its Head Master namely Sri Niwash Singh.
12. Sri Niwash Singh, Son of Late Ramashish Singh, Head Master of Janta Sanskrit Primary-cum-Middle School Shumbha, Sasaram, Rohtas.
13. Janki Sanskrit Primary-cum-Middle School Doriyawan, Police Station- Shiv Sagar, District- Rohtas, through its Head master namely Sripati Singh.
14. Sripati Singh, Son of Ramjag Singh, Head Master of Janki Sanskrit Primary-cum-Middle School Doriyawan, Shiv Sagar, Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary Finance Department, Government of Bihar, Patna.
3. The Secretary, Education Department, Government of Bihar, Patna.



4. The Special Director (Secondary Education), Bihar, Patna.
5. The Director Secondary Education, Bihar, Patna.
6. The Director (Administrative)-cum-Additional Secretary, Government of Bihar, Patna.
7. The Deputy Secretary, Education Department, Government of Bihar, Patna.
8. The Chairman, Bihar Sanskrit Education Board, Bihar, Patna.
9. The Secretary, Bihar Sanskrit Education Board, Patna.
10. The District Magistrate, Rohtas.
11. The District Magistrate, Gaya.
12. The District Education Officer, Gaya.
13. The District Education Officer, Rohtas.
14. The District Education Officer, Aurangabad.
15. The District Education Officer, Jehanabad.
16. The District Education Officer, Arwal.
17. The District Programme Officer (Establishment), Gaya.
18. The District Programme Officer (Establishment), Rohtas.
19. The District Programme Officer (Establishment), Aurangabad.
20. The District Programme Officer (Establishment), Jehanabad.
21. The District Programme Officer (Establishment), Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar
For the State	:	Mr. Prabhakar Jha- GP-27
		Mr. Umesh Narayan Dubey, AC to GP-27
For the Sanskrit Shiksha Board		Mr. S.S. Sundram
		Mr. Shashank Shekhar Jha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 07-05-2018 This writ application has been filed seeking quashing of the order dated 15.02.2018, issued by the Deputy Secretary, Department of Education, Govt. of Bihar, whereby a three-man committee has been constituted for an inquiry to be conducted in connection with recognition of 69 Sanskrit schools, including the petitioners' schools.

The Committee has been constituted in the light of an order of this Court passed on 13.10.2017, in **CWJC No. 2787 of 2017 (The Managing Committee of Late**



Man Turna Kuar Sanskrit Prathmik Sah High School
Vs. The State of Bihar and others (Annexure-11). The impugned order reads, *inter alia*, that an inquiry is to be conducted in the light of the *Bihar Arajkiyya Sanskrit Vidyalaya(Praswikriti Evam Shart) Niyamawali,1993*.

It is the grievance of the petitioners that the petitioners' schools was granted recognition in the year 2007 under 1976 Rules. Therefore, if any inquiry has to be conducted, the same must be done, keeping in mind 1976 Rules only, and not 1993 Rules, since 1993 Rules are not applicable in the case of the petitioners.

I do not find any illegality in the impugned order after having read Rule 8 of 1993 Rules. Rule 8 in clear terms states that all Orders and Rules issued or framed prior to coming into force of 1993 Rules, shall be treated to have been repealed.

It is the case of the petitioners that the recognition was granted in the year 2007. Therefore, it cannot be deemed that on the date when the recognition was granted, 1993 Rules were effective. When 1993 Rules were effective and all Orders and Rules came to be repealed by operation of Rule 8 of 1993 Rules, there would have been no question



of grant of recognition under 1976 Rules in 2007. Since the recognition has been granted to the petitioners after 1993, 1993 Rules only shall apply. I do not find any illegality in the impugned order.

The writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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