

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6597 of 2018

1. Yamuna Singh, Kedar Sanskrit Primary Cum Middle School, Mussi, P.S.- Tekari, District- Gaya through its Headmaster Mukesh Kumar
2. Mukesh Kumar Son of Shri Shiv Kumar Sharma Headmaster Yamuna Singh Kedar Sanskrit Primary-cum-Middle School, Mussi, P.S. Tekari, District- Gaya.
3. Madhwacharya Sanskrit Primary-cum-High School Kusumhara, P.S.- Suryapura, District- Rohtas through its Headmaster Shree Nivash Dikshit.
4. Shree Nivash Dikshit Son of late Saryu Dikshit the Headmaster Madhwacharya Sanskrit Primary-cum-High School Kusumhara, P.S. Suryapura, District- Rohtas.
5. Yashomati Sanskrit Primary -Cum-High School Belavarish, P.S. Goh, District- Aurangabad through its Headmaster Gopali Prasad.
6. Gopali Prasad Son of late Ram Chandra Sah Headmaster Yashomati Sanskrit Primary-cum-High School Belavarish, P.S.- Goh, District- Aurangabad.
7. Brahmarshi Sahjanand Harijan Sanskrit Primary-cum-Madhyamik School Balabigha Takaura, P.S.- goh, District- Aurangabad through its Headmaster Dr. Ramanujacharya.
8. Dr. Ramanujacharya Son of Sri Baliram Sharma the Headmaster Brahmarshi Sahjanand Harijan Sanskrit Primary-Cum Madhyamik School Balabigha Takaura, P.S. Goh, District- Aurangabad.
9. Vasudevacharya Primary-cum-Madhyamik Sanskrit School Ganeyari, P.S. Kinjar, District- Arwal through its Headmaster Rajkishor Sharma.
10. Raj Kishore Sharma Son of Sri Jeeta Sharma Headmaster Vasudevacharya Primary-cum-Madhyamik Sanskrit School Ganeyari, P.S. Kinjar, District- Arwal.
11. Surendra Kumar Sunil Sanskrit Primary-cum-Middle School Ganeyari, P.S. Kinjar, District- Arwal through its Headmaster Ranjay Kumar
12. Ranjay Kumar Son of Sri Suresh Sharma the Headmaster Surendra Kumar Sunil Sanskrit Primary-cum-Middle School Ganeyari, P.S. Kinjar, District- Arwal.
13. Maa Sonamati Shiv Ratan Sanskrit Primary -cum- Middle School Paharibigha, Basantpur (Shakurabad), P.S. Parasbigha District- Jehanabad through its Headmaster Ram Kishore.
14. Ram Kishore Son of Sri Kauleshwar Singh the Headmaster Maa Sonamati Shiv Ratan Sanskrit Primary-cum-Middle School Paharibigha, Basantpur(Shakurabad), P.S.- Parasbigha, District- Jehanabad.
15. Vasudev Sanskrit Primary -cum-Middle School Parshuram Nagar Chainpura(Shakurabad), P.S. Parasbigha, District- Jehanabad through its Secretary Upendra Kumar.
16. Upendra Kumar Son of Heera Singh Secretary of the Managing Committee of Vasudev Sanskrit Primary-Cum-Middle School



Parshuram Nagar Chainpura (Shakurabad), P.S. Parasbigha, District- Jehanabad.

17. S. K. Sanskrit Primary-Cum-High School Basantpur (Shakurabad) P.S. Parasbigha, District- Jehanabad through its Headmaster Uday Naryan Kumar.
18. Uday Narayan Kumar Son of Sri Suresh Sharma Headmaster S.K. Sanskrit Primary-Cum-High School Basantpur (Shakurbad), P.S. Parasbigha, District- Jehanabad.

... .. 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 Education Officer, Gaya.
11. The District Education Officer, Rohtas.
12. The District Education Officer, Aurangabad,.
13. The District Education Officer, Jehanabad.
14. The District Education Officer, Arwal.
15. The District Programme Officer (Establishment), Gaya.
16. The District Programme Officer (Establishment), Rohtas.
17. The District Programme Officer (Establishment), Aurangabad.
18. The District Programme Officer (Establishment), Jehanabad.
19. The District Programme Officer (Establishment), Arwal.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Advocate
For the Respondent/s	:	Mr. Kumar Kamal Nayan AC to SC-28
For the BSSB	:	Mr. S.S. Sundram, Advocate
		Mr. Shashank Shekhar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 13-04-2018 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The simple issue involved in the present writ application is whether the Rule applicable at the time



recognition of the institution will apply or the subsequent amended Rule.

Referring to Division Bench judgment dated 12.05.2010 in LPA No. 366 of 2009 (Kalika Prasad Singh vs. the State of Bihar and Others), learned counsel for the petitioner submits that in view of the authoritative pronouncement of the Division Bench the amended Rule will not apply retrospectively and the Rule applicable at the time of recognition of the institution and as such the subsequent amended Rule will not apply in the case of the institution established prior to 18th of October, 1976.

With the aforesaid clarification the writ petition stands disposed of. The respondents shall have liberty to enquire into the affairs of the schools in terms of Rule which was applicable at the time of recognition of the school.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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