

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23177 of 2018

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1. Jai Nandan Prasad Singh @ Jainandan Singh, Son of late Bilat Singh, resident of village Kalaunda, P.S. Akbarpur, District Nawada, Head Master Shri Firangi Singh Middle School, Rajwara, P.S. Atari, District Gaya.
 2. Karya Nand Sharma, son of Late Gauri Singh, resident of village Simri, P.S. Warsaliganj, District-Nawada.
 3. Kamata Prasad Singh, son of Late Sukan Singh, resident of village Kalaunda, P.S. Akbarpur, District-Nawada.
 4. Sada Nand Prasad Singh, son of Late jagdeo Singh, resident of village Dayalibigha, P.S. Hilsa, District-Nawada.
 5. Ram Prasad son of Budhan Mahato, resident of village Rajwara, P.S. Atri, District Gaya.
 6. Sudha Devi, wife of Rahindar Singh, resident of village Rajwara, P.S. Atri, District-Gaya.
 7. Upendra Kumar son of Late Kedar Singh, resident of village Dakhingaon, P.S. Wazirganj, District Gaya.
 8. Arjun Prasad son of Late Bhajju Singh, resident of village Sagma, P.S. Sheikhpura, District-Sheikhpura.
 9. Ram Nandan Singh, son of Late Saryug Singh, resident of village Ram Ketaru, P.S. Atri, District-Gaya.
 10. Arjun Prasad Singh son of Late Sukhdeo Singh, resident of village Badenan, P.S. Wazirganj, District Gaya.
 11. Birendra Kumar son of Late Aditya Sing, resident of village jamuawan, P.S. Wazirganj, District Gaya.
 12. Chandra Shekhar Azad, son of Late Aditya Singh, resident of village Jamuama, P.S. Wazirganj, District Gaya.
 13. Haridwar Singh, son of Late Rajo Singh resident of village Bichha, P.S. Wazirganj, District Gaya.
 14. Janta Janardan Prasad Singh, son of Late Sadhu Singh, resident of village Rajwara, P.S. Atri, District-Gaya.
 15. Maheshwari Prasad Singh son of Late Bisheshwar Singh, resident of village Kadampar, P.S. Silao, District-Nalanda.

... .. Petitioners

Versus

1. The State of Bihar.
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
3. The District Superintendent of Education, Gaya.
4. The District Education Committee, Gaya, through District Superintendent of Education, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Mishra
For the Respondent/s : Mr. Umesh Narayan Dubey, AC to GP-27

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH



ORAL ORDER

2 05-12-2018 Following is the relief sought in the present writ application:-

“That this writ application is being filed for issuance of a proper writ to command the respondents to give the order of Take over of Shri Firangi Singh Middle School Rajwara, Atari, in the District of Gaya as per the provision mentioned in Sub Section 4 of Section 3 of the Bihar Non Government Elementary School (taking over of Management and Control) Act, 1976 (hereinafter mentioned as “The Act”) and also command the respondents to treat the said School as continuing and in consequence thereof make payment of the back wages to the petitioners.”

With the same relief, the same petitioners had earlier approached this Court nearly three decades ago by filing a writ application giving rise to CWJC No. 7835 of 1989, which was disposed of by a Division Bench of this Court by judgment and order dated 03.02.1994, with a direction to the State Government to consider the petitioners’ plea afresh upon obtaining a feasibility report from a Committee constituted in accordance with the provisions of sub-Section 4 of Section 3 of the Bihar Non-Government Elementary Schools (Taking over of



Management and Control) Act, 1976.

It appears that there came to be instituted a criminal case in 1991, which was investigated by the Central Bureau of Investigation on the allegation that the petitioners obtained the order from this Court based on false and fictitious report regarding taking over of the School. The petitioners were put on trial. They have, however, been acquitted by the judgment and order dated 23.03.2017, passed by learned Special Judge, CBI-2, Patna. The petitioners have again approached this Court with the same prayer on the ground that situation has changed in view of their acquittal recorded by the trial court.

Mr. Mishra, learned counsel appearing on behalf of the petitioners, contends that acquittal recorded by the learned Special Judge C.B.I., gives the petitioners a fresh cause of action for raising again the plea of taking over of the School, in question.

If, according to the petitioners, their acquittal gives them any fresh cause of action, they could have approached the State-respondents for the needful, in accordance with law. This Court does not find any reason to interfere at this stage, based on the pleadings on record.

This writ application is, accordingly, disposed of with



an observation that the petitioners shall be at liberty to approach the authority under the State of Bihar for the relief, which the petitioners are seeking.

(Chakradhari Sharan Singh, J)

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