

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19158 of 2018

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1. Dr. Suman Lal Daughter of Arjun Prasad Srivastava, resident of Durga Mari Draiv, Dujra, Patna, P.S.- Buddha Colony, District- Patna.
 2. Dheeraj Kumar age about 37 years, Son of Shri Sitaram Jha, President, Swatch Darbhanga Welfare Association, Darbhanga, resident of Gomti no. 22, Shahganj, Benta, D.M.C. P.S.- Lahariyasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna, Bihar
2. Principle Secretary, Department of Social Welfare, Government of Bihar.
3. Department of Education through its Principle Secretary, under Human Resource Development Government of Bihar
4. Union of India through its Secretary, Department of School and Literacy under Ministry of Human Resource Development, Government of India.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shama Sinha, Advocate

For the Respondent/s : Mr.Ashutosh Ranjan Pandey- AAG-15

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 10-12-2019 Heard learned counsel for the petitioners and learned counsel for the respondents.

Petitioners have prayed for the following reliefs:-

“i. For issuance of an order, direction or writ for respondents to declare the destitute children in need of care and protection as “State Children” after making them legally free and till the time they are not rehabilitated or restored in terms of the Juvenile Justice Act.



ii. For issuance of an order, direction or writ in the nature of Mandamus directing the respondents to bring “State Children” upto 14 years, under the definition of “Child belonging to disadvantaged group” as provided in Section 2(d) of Right to Education Act.

iii. For issuance of an order, direction or writ in the nature of Mandamus directing the respondents to apply on behalf of the “State Children” acting as guardian/parent of these children for the beneficiary Schemes implemented from time to time under Right to Education Act. The petitioner further prays for treating such State Children as “priority I” in the twenty five percent reservation in the schools and more particularly in residential schools as provided for the “Child belonging to disadvantaged group” under Right to Education Act.

iv. For issuance of an order, direction or writ in the nature of Mandamus directing the respondents to take steps to consider/bring these Children “Socially and Educationally Backward Class”, as stated under Article 15(4) of Constitution.

v. For issuance of an order, direction or writ in the nature of Mandamus directing the respondents to apply on behalf of the “State Children” acting as guardian/parent of these children for the beneficiary Schemes which are brought by either State Government or Central Government in exercise of their duties under Article 15(4), Article 16(4), Article 21, Article 39, Article 41 and Article 46 of the



Constitution.”

We find the issue to be subject matter of C.W.J.C. No. 3604 of 2018, titled as “In the matter of letter dated 19.02.2018 of the Secretary General of S.C.I. based on the judgment Vs. The State of Bihar & Ors.

As such, the writ petition stands disposed of accordingly. However, it shall be open for the learned counsel to assist the Court as *amicus curiae* in the said proceedings.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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