

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3281 of 2016

In

Civil Writ Jurisdiction Case No.20546 of 2010

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1. Nutan Sinha and Anr W/o Shree Sunil Kumar Sinha Resident of SOB-11, Dlamianagar,, District-Rohtas
 2. Bindu Dubey D/o Sri G.S. Tiwari, Resident of Q.No. M/5, Dalimanagar, P.O.-Dalmianagar, District-Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar Through Mr. Anjani Kumar Singh The Chief Secretary, Government Of Bihar and Ors Old Secretariat, Patna
2. Mr. D.S. Gangwar, the Principal Secretary, Human Resources and Development Department, Government of India.
3. Mr. H.Ram Chandra Yayadu, Director, Primary Education, Department of Education, Government Of Bihar, New Secretariat, Patna
4. Mr. Isha Choudhary, Regional Deputy Director of Education, Patna Region, Patna
5. Mr.Dinesh Choudhary, District Programme Officer, Rohtas, Patna
6. Mrs. Sudha Kumari Principal, Girls Middle School, Dalmianagar

... .. Opposite Party/s

with

CIVIL REVIEW No. 429 of 2016

In

Civil Writ Jurisdiction Case No.20546 of 2010

The State Of Bihar and Ors

... .. Petitioner/s

Versus

Nutan Sinha and Anr

... .. Opposite Party/s

with

CIVIL REVIEW No. 99 of 2018

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1. The State Of Bihar and Ors
 2. Principal Secretary, Human Resources and Development Department, Government of Bihar, Patna.
 3. Director Primary Education, Human Resources and Development Department, Government of Bihar, , Patn
 4. Regional Deputy Director of Education, Patna Region, Patna.



5. District Superintendent of Education, Rohtas, Sasaram.
6. President Managing Committee, Girls Middle School, Dalmianagar.
7. Principal , Girls Middle School, Dalmianagar.

... .. Petitioner/s

Versus

Bindu Devi D/o- Sri G.S. Tiwari Resident of Quarter No. M/5, Dalmianagar,
P.O. Dalmianagar, District- Rohtas.

... .. Opposite Party/s

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with

Miscellaneous Jurisdiction Case No. 439 of 2018

In

Civil Writ Jurisdiction Case No.20799 of 2010

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Bindu Dubey D/o Sri G.S. Tiwari, Resident of Q No. M/5, Dalimanagar, P.O.-
Dalmianagar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Mr. Anjani Kumar Singh, The Chief Secretary,
Government Of Bihar, Old Se
2. Mr. D.S. Gangwar, The Principal Secretary, Human Resources and
Development Department, Government o
3. Mr. H. Ram Chandra Yadav, Director, Primary Education, Department of
Education, Government of Bihar
4. Mr. Isha Choudhary, Regional Deputy Director of Education, Patna Region,
Patna.
5. Mr. Dinesh Choudhary, District Programme Officer, Rohtas, Patna.
6. Mrs. Sudha Kumari, Principal, Girls Middle School, Dalmianagar.

... .. Opposite Party/s

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Appearance :

(In Miscellaneous Jurisdiction Case No. 3281 of 2016)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Paag2 Chitranjan Sinha

(In CIVIL REVIEW No. 429 of 2016)

For the Petitioner/s : Mr.Niraj Kumar Sinha

For the Opposite Party/s : Mr.

(In CIVIL REVIEW No. 99 of 2018)

For the Petitioner/s : Mr.Niraj Kumar Sinha

For the Opposite Party/s : Mr.

(In Miscellaneous Jurisdiction Case No. 439 of 2018)

For the Petitioner/s : Mr.Ugranath Mallik

For the Opposite Party/s : Mr.Mrs. Silpa Singh - Ga 12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY



ORAL ORDER

14 01-04-2019 Heard learned counsel for the parties.

Considering the fact that the issue as to nature of the school was not raised in the writ application by the petitioner, the Court is of the view that the order passed in C.W.J.C. No. 20546 of 2010 alongwith C.W.J.C. No. 20799 of 2010 vide order dated 27.11.2015 requires fresh hearing.

As the writ Court while passing order dated 27.11.2015 proceeded on the premise that the school is minority institution. Certain documents have been placed by the opposite parties-respondents in the review petition to indicate that the institution is minority institution. However, during the course of hearing it transpired that there was no assertion that the school is minority institution and in the facts that was not the issue yet the writ court disposed of writ petition treating the school to be minority school. The writ Court on the basis of counter affidavit presumed that the school is minority school and issued direction on 27.11.2015. Since the issue as to minority character and the effect in the constitution of selection was wrongly decided, it would be appropriate that the writ application C.W.J.C. NO. 20546 of 2010 and C.W.J.C. No. 20799 of 2010 itself be heard on merit.

Considering the aforesaid Civil Review No. 429 of



2016 and Civil Review No. 99 of 2018 are allowed and C.W.J.C. No. 20546 of 2010 and C.W.J.C. No. 20799 of 2010 are directed to be heard afresh on merit. Civil Reviews are allowed and both the writ applications are directed to be listed for hearing in admission matter on 29.04.2019.

In view of the order passed in Civil Review No. 429 of 2016 and Civil Review No. 99 of 2018, no order need be passed in MJC No. 3281 of 2016 and MJC No. 439 of 2018 and both MJCs may be placed after disposal of C.W.J.C. No. 20546 of 2010 and C.W.J.C. No. 20799 of 2010.

Put up C.W.J.C. No. 20546 of 2010 and C.W.J.C. No. 20799 of 2010 under the heading 'For Admission' on 29.04.2019.

(Anil Kumar Upadhyay, J)

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