

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.55 of 2017
In
Civil Writ Jurisdiction Case No.5232 of 2013

1. Ram Babu Das, Son of Late Ram Lakhan Prasad, at present working as Headmaster in Nehru Shishu Middle School, Mirdaha Toli, Karnalganj, Gulzarbagh, District- Patna.
2. Ramdev Mahto, son of Late Mishri Mahto, working as Assistant Teacher in Nehru Shishu Middle School, Mirdaha Toli, Karnalganj, Gulzarbagh, District- Patna.
3. Banarasi Prasad, son of Late Ram Lagan Prasad, working as Assistant Teacher in Nehru Shishu Middle School, Mirdaha Toli, Karnalganj, Gulzarbagh, District- Patna.
4. Ramdev Ram, son of Late Gokul Ram, working as Assistant Teacher in Nehru Shishu Middle School, Mirdaha Toli, Karnalganj, Gulzarbagh, District- Patna.
5. Smt. Gangajali Devi, W/o Sri Rama Paswan, working as Peon of Nehru Shishu Middle School, Mirdaha Toli, Karnalganj, Gulzarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Sri R.K. Mahajan, The Principal Secretary, Primary Education, Government of Bihar, Patna.
3. Sri Ram Chandran Dudu, The Director, Primary Education, Government of Bihar, New Secretariat, Patna
4. Sri Mahesh Prasad, The District Programme Officer, Patna District- Patna.
5. Sri Dineshwar Sharma, The School Inspector, Gulzarbagh, District- Patna.

... .. Opposite Party/s

with
CIVIL REVIEW No. 451 of 2018
In
Civil Writ Jurisdiction Case No.5232 of 2013

1. The State Of Bihar and Ors
2. The Secretary-Cum- Commissioner, Primary Education, Government Of Bihar, Patna.
3. The Director, Primary Education, Government Of Bihar, New Secretariat, Patna.
4. The Deputy Directory, Primary Education, Government Of Bihar, Patna.
5. The District Superintendent Of Education Patna, District- Patna.
6. The Area Education Officer, Patna City, District- Patna.

... .. Petitioner/s

Versus

1. Ram Babu Das and Ors S/O Late Ram Lakhan Prasad At Present Working As Headmaster In Nehru Shishu Middle School, Mirdaha Toli, Karnalganj,



Gulzarbagh, District- Patna.

2. Ramdev Mahto S/O Late Mishri Mahto Working As Assistant Teacher In Nehru Shishu Middle School, Mirdaha Toli, Karnalganj, Gulzarbagh, District- Patna.
3. Banarai Prasad S/O Late Ram Lagan Prasad Working As Assistant Teacher In Nehru Shishu Middle School, Mirdaha Toli, Karnalganj, Gulzarbagh, District- Patna.
4. Ramdev Ram S/O Late Gokul Ram Working As Assistant Teacher In Nehru Shishu Middle School, Mirdaha Toli, Karnalganj, Gulzarbagh, District- Patna.
5. Smt. Gangajali Devi W/O Sri Rama Paswan Working As Peon In Nehru Shishu Middle School, Mirdala Toli, Karnalganj, Gulzarbagh, District- Patna.

... .. Opposite Party/s

Appearance :

(In Miscellaneous Jurisdiction Case No. 55 of 2017)

For the Petitioner/s : Mr.Raghwendra Sharan Pandey

For the Opposite Party/s : Mr.Aag15 Ashutosh Ranjan Pandey

(In CIVIL REVIEW No. 451 of 2018)

For the Petitioner/s : Mr.Prabhat Ranjan Singh Ac To Aag 15

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 01-05-2019

Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are making a prayer for initiating the contempt proceeding against the contemners/opposite parties for disobedience of the order dated 12.04.2016 passed in C.W.J.C. No. 5232 of 2013 whereby and whereunder this Court set aside the order dated 15.12.2009 and remanded back the matter to the Director, Primary Education, Government of Bihar, Patna to consider the case of the petitioners and take a positive decision in the matter and this Court also directed the petitioners to file a representation.



The petitioners filed a representation and ultimately rejected the claim of the petitioners vide order dated 20.07.2017 on the ground that school of the petitioners was not a Government aided school and explanation has been given by filing the supplementary show cause that the money was given in terms of the recommendation made by the Kothari Commission, but it has not been stated that after payment of long time from 1974 to 1993 why they have stopped the payment, which was being paid to the petitioners, but only said that the school is not a Government aided School, if it is not a government aided school, then under what circumstances, right from beginning, the payments were made, is not clear from a decision dated 20.07.2017 of the Director, Primary Education, Government of Bihar, Patna, if as the Government was giving grant in terms of recommendation of Kothari Commission, in such circumstances, it should continue.

In such view of the matter, this petition is consigned and review petition is also disposed of.

However, the petitioners, if so advised, may challenge the order dated 20.07.2017 before appropriate forum.

(Shivaji Pandey, J)

V.K.Pandey/
S. Katyayan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.05.2019
Transmission Date	NA

