

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21049 of 2018

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Sri Ram Lakhan Ray Sanskrit Prathamik Sah Madhyamik Vidyalaya, Dipau,
Police Station-Kotwa, District-East Champaran through its Secretary Ram
Lakhan Ray, son of Simrikh Ray, Resident of Village- Dipau, Post- Talwa
Pokhar, Police Station- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources
Department, Govt. of Bihar, Patna
2. The Special Director, Secondary Education, Govt. of Bihar, Patna.
3. The District Magistrate, East Champaran.
4. The District Education Officer, East Champaran.
5. The Chairman, Bihar Sanskrit Shiksha Board, Back Harding Road, Patna.
6. The Bihar Sanskrit Shiksha Board, Patna through its Secretary, Back
Harding Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar Verma
For the Board		Mr. S.S.Sundaram
		Mr. Shashank Shekhar Jha
For the State	:	Mr.Madhaw Pd. Yadaw- GP-23
		Ms.Meera Singh, AC to GP 23

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

7 17-06-2019 Heard learned counsel for the parties.

2. The relief, which the petitioner has sought with
foundational facts have already been taken note of in the order
dated 02.11.2018, passed in this case, which are being reiterated
in the present order, since this order disposes of the writ
application.

3. It is claimed that Sri Ram Lakhan Ray Sanskrit
Prathamik Sah Madhyamik Vidyalaya, Dipau in the District of



East Champaran (hereinafter referred to as 'the School') was established on 26.01.1981. Steps were taken thereafter for grant of recognition, which power is admittedly vested in Bihar Sanskrit Education Board (hereinafter referred to as 'the Board') under Bihar Sanskrit Education Board Act, 1981 (hereinafter referred to as 'the Act'). He had deposited the requisite inspection fee of Rs. 1000/- whereafter inspection was done. It is his claim that the School fulfills all the requisite conditions for grant of recognition, as mentioned in the inspection report. Recognition was granted in favour of the School along with 3776 Sanskrit Schools vide order dated 17.02.1990 and 22.02.1990. Subsequently, the said recognition so granted was cancelled. The State Government had decided to inspect all the Sanskrit Schools, including the School, in question. Again, an inspection was done on 26.10.1994, whereafter a report was submitted which, too, was given in favour of the petitioner. Since no decision was taken on the inquiry report, the petitioner filed a writ application registered as CWJC No. 12102 of 1995, which was disposed of by an order dated 12.12.1996, directing the authorities to take a decision in respect of grant of recognition of the School. The authorities were directed to take the decision within three months. It is also the petitioner's case



that thereafter, the Board after being satisfied about the fact that the school fulfilled all the conditions for recognition/grant of approval, issued order on 02.08.1997. It seems that the said decision of the Board was sent to the State Government on 12.01.1998. The State Government, however, by order dated 09.01.1999, refused to grant recognition. The petitioner again filed a writ petition giving rise to CWJC No.4487 of 2002, assailing the State Government decision dated 09.01.1999 refusing to grant recognition. The writ application was, however, dismissed by this Court by order dated 14.02.2006, giving the petitioner a liberty to move the State Government as well as the Board with necessary improvement in the School. In the light of this Court's observation, the petitioner again approached the Board with his plea of subsequent improvement in the School and requested for grant of recognition after due inspection. There is reference to an order dated 30.08.2007, passed by the Chairman of the Board issuing direction to act in accordance with 1993 Rules for recognition after due inspection. The School was again inspected on 23.01.2009. The Inspector(s) submitted his report on 27.05.2009 and recommended for recognition. The petitioner again approached the State Government to act in view of the recommendation



made by the Secretary of the Board. It is also claimed that the Board subsequently caused an inquiry of the School by the District Education Officer, East Champaran, based on which a report was submitted on 17.01.2011. The petitioner again approached the Board for grant of recognition, based on a report of the District Education Officer. Subsequently, the petitioner again filed the writ application giving rise to CWJC No. 1683 of 2012, seeking direction to finalize the matter of recognition. The writ application was disposed of on 16.02.2012, asking the petitioner to remove the deficiencies and apply afresh for recognition. It is the case of the petitioner that he again, after removing the deficiencies, as pointed out in the report, submitted by the District Magistrate, East Champaran, approached the Board in 2015 since no decision was being taken on the basis of the report of the District Magistrate sent to the Board through letter dated 13.09.2013. Feeling aggrieved, the petitioner filed another writ application being CWJC No. 16739 of 2015. The writ application was disposed of on 22.04.2016 with the following direction:-

“The writ application is disposed of with a direction upon the District Magistrate, East Champaran at Motihari that he will take cognizance of Letter No. 1451, dated 06.04.2016 addressed by the Chairman of



the Bihar Sanskrit Shiksha Board to him and ensure that the report is furnished to the Chairman in terms of the 1993 Rules within a period of three months from the date of production of a copy of this order. From the receipt of such a report, a decision will be taken by the Chairman of the Sanskrit Shiksha Board forthwith without further delay.

Writ application is disposed of with the above direction.”

4. The District Magistrate, East Champaran, thereafter submitted his report on 23.07.2016. As there was no compliance of this Court’s order, the petitioner filed a contempt petition being MJC No. 3192 of 2016. During the pendency of the contempt application, the Chairman of the Board passed an order being Memo No. 4681 dated 23.11.2016, rejecting the claim of the petitioner on the ground that the school did not fulfill the condition as laid down in recognition Rule 1993 and amended Rule 2013. It is further the case of the petitioner that after receiving aforesaid office order, the deficiencies were immediately removed, whereafter he filed an application on 20.03.2017, before the Chairman of the Board with a request to grant recognition.

5. The Court wanted to know from the Board as to



what action had been taken on the petitioner's application filed on 20.03.2017. Instead of asking the Board to file a counter affidavit, the Court wanted the State to produce before this Court the original records as indicated in the order dated 01.11.2018. The records were, accordingly, produced. The order as recorded on 01.11.2018, passed in this case is suggestive of the fact that there was no movement of the file at all of the Board on the application filed by the petitioner on 20.03.2017.

6. At the time of passing the said order, it was there in my mind that the Board was not constituted for the last three years and was functioning on *ad hoc* basis, with the Deputy Director of the Department of Secondary Education discharging the function of the Chairman of the Board. It was in that background the following observations were made in the order dated 02.11.2018:-

“Based on the experience which this Bench has, upon considering a number of application being filed under Article 226 of the Constitution of India, it is noteworthy that a large number of cases are being filed only for the purpose of disposal of matters which are pending with the Departments /Boards /Corporations of the State Government. This is also an example. The petitioner had



to approach this Court since no decision was being taken by the Board after submission of his application on 20.03.2017. Had there been any decision taken by the Board, in the meanwhile, the situation would have been entirely different. May be, in this case, no occasion could have arisen for the petitioner to approach this Court. This unwanted inaction on the part of the State respondents is adding to the volume of cases being filed in the High Court. This is apparently because the State Departments are probably not having any effective internal Grievance Redressal Mechanism. In that view of the matter, the Court thinks it appropriate to issue a direction that all the functionaries of the State Government, Boards and Corporation etc, of the State Government shall be obliged to consider any representations /applications filed by a person within a reasonable time and, if matter is urgent, the decisions are taken with utmost expedition. The functionaries would be required to dispose of the matters as soon as possible and, in no case, more than



three months from the date of receiving of the applications /representations, unless some exceptional circumstance is present.

The Court would direct the Chief Secretary of Bihar to ensure that some Redressal Grievance Mechanism is in place in various Departments /Boards/ Corporations to deal with the grievances of individuals expeditiously. The Court expects the Chief Secretary, Bihar to issue guidelines/directions in this regard, as soon as possible, preferably within one month from the date of receipt/production of a copy of this order.

This is one aspect of the matter. The other aspect, as I have already indicated that the Bihar Sanskrit Shiksha Board has not been constituted for the last several years. The Bihar Sanskrit Shiksha Board is a creation under the Bihar Act for the purpose of development and better maintenance of Sanskrit Education up to Madhyama level. The Board has been given autonomous status under the act which is required to be constituted under Section 4 of the act. Section 4 of the Act contemplates constitution



of the Board consisting 14 members, including Chairman of the Board. The circumstance which has been explained on behalf of the Board, because of which the matter of the petitioner has remained pending since March, 2017, is evident. The Board is non-functional and functions of the Chairman of the Board are being discharged by an Officer of the rank of Deputy Director. Section 4 of the Act contemplates that the Director of Education shall be an ex officio member of the Board. In the absence of the Chairman of the Board, the Director of Education holding the charge of Sanskrit Education, can function as Chairman of the Board as contemplated under Section 10 of the Act. The Court is gathering an impression that the State of Bihar has completely failed not only in constitution of Sanskrit Shiksha Board in accordance with the provisions under the act, the Government has failed even to act in accordance with the provisions under Act. It is a peculiar circumstance when the State Government is failing to constitute the Committee and, on the other



hand, allowing an officer of the rank of the Deputy Director to discharge the functions of the Chairman of the Board. I may refer to an order of this Court dated 06.08.2018, passed in CWJC No. 12216 of 2018 **(Amrendra Kumar Vs. State of Bihar and Ors)**, whereby noticing the absence of the regular Board this Court had directed the Principal Secretary, Education Department to take steps for constitution of the Board. Till date, the Board has not been constituted as is evident from the submission advanced by the learned counsel appearing on behalf of the Board.

In the facts and circumstances of the case, I direct the Chief Secretary, Bihar, to ensure that the Board is constituted within three months from today. The Court further directs that henceforth, the Deputy Director, who is discharging the function of the Chairman of the Sanskrit Shiksha Board, shall not discharge the function and such the function shall be discharged only by the Director, Secondary Education dealing with the Sanskrit Education.”



7. It is evident from various orders passed by this Court that in the light of this Court's observations, the State Government proceeded to constitute the Board. During the pendency of this writ application, the Chairman of the Board was appointed, which aspect has been taken note of in the order dated 14.12.2018. The Court had directed the Principal Secretary, Education Department, Govt. of Bihar to ensure that Full Board of the Bihar Sanskrit Shiksha Board is constituted. The Court presumes the constitution of the Board in obedience of this Court's order dated 14.12.2018.

8. This writ application is accordingly disposed of with a direction to the Board to consider the petitioner's application dated 20.03.2017 for grant of recognition in accordance with law, if not already disposed of, and take a final decision within a period of three months from the date of receipts/production of a copy of this order.

9. There shall be no order as to costs.

(Chakradhari Sharan Singh, J)

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