

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10878 of 2017

=====

Managing Committee of Goshwami Laxmi Nath Harizan Middle School,
Bangaon, P.S. Bangaon, District Saharsa through its Secretary, namely, Bhola
Ram Son of Late Madhuri Ram, Resident of Village- Bangaon, P.S.-Bangaon,
District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Education Government of Bihar,
Patna
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Saharsa.
5. The District Education Officer, Saharsa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Respondent/s : Smt. Shilpa Singh- Ga12

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 01-02-2019

The present writ petition has been filed by the Managing
Committee of Goshwami Laxmi Harizan Middle School, Bangaon,
District Saharsa for setting aside the order dated 13.05.2015 passed by
the Director, Primary Education, Government of Bihar, Patna, whereby
and whereunder the claim of the petitioner for grant of recognition to
the school has been rejected.

2. The learned counsel for the petitioner has submitted
that the school is a very old school and in the beginning the school was
running under open sky, but in the year 1992, land was donated by one
Dewas Devi whereafter the Managing Committee of the school has
appointed 12 teachers and one Headmaster for functioning of the
school. It is further submitted that the respondents had made inquiries
about the functioning of the school and an enquiry report was submitted



by then District Superintendent of Education, Saharsa vide letter dated 23.06.2011, however, the case of the petitioner was not considered for the purposes of recognition, whereafter the petitioner had approached this Court and this Court by an order dated 20.1.2015 had directed the petitioner to file a comprehensive representation before the Director, Primary Education, Government of Bihar, Patna and the said authority was directed to dispose of the same by a reasoned and speaking order, whereafter an order dated 13.05.2015 has been passed by the respondent no.3 rejecting the case of the petitioner herein illegally.

3. Per contra, the learned counsel for the respondents, referring to the counter affidavit, has submitted that the school of the petitioner, though was established in the year 1976 but it does not fulfill the criteria to receive the aid and recognition from the Government. It has been further submitted that the order of the respondent no.3 dated 13.05.2015 is self speaking and, in fact, the State Government has already taken a decision in the meeting of the cabinet dated 30.6.1993 that no school shall be taken over and, according to need, new school shall be opened by the Government itself. It has been further stated in the said order dated 13.5.2015 that there is no provision for grant of aid, even to those primary schools, which have been recognized and declared as minority school after 31.3.1978, However, it is clear from the impugned order dated 13.5.2015 that the petitioner is free to approach the District Level Committee, Saharsa by filing appropriate application for the purposes of grant of recognition under the **Bihar**



Rajya Baccho Ki Muft Awam Anirwarj Siksha Niyamawali, 2011
(The Bihar State Free and Compulsory Education of Children Rules,
2011).

4. Having regard to the facts and circumstances of the case and having considered the arguments advanced on behalf of the learned counsel for the parties, the order passed by the respondent no.3 dated 13.5.2015 requires no interference, being just and legal, hence the writ petition is dismissed, especially in view of the fact that the petitioner school appears to have approached the respondent no.3 for payment of wages of the teachers as well as for grant of aid for construction of building, which is not permissible in law inasmuch as neither the petitioner school is recognized nor aided nor a taken over school of the Government. However, liberty is granted to the petitioner to approach the District Level Committee, Saharsa, as aforesaid.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.05.2019
Transmission Date	N/A

