

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13649 of 2018

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Md. Shamim Akhtar Son of Late Md. Shafi Ahmad, Resident of Mohalla-
New Patliputra Colony, Charch Road, Maa Sharda Kunj Apartment, Flat
No.204, PS- Patliputra, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Law Secretary, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Bhagat, Advocate
For the Respondent/s : Mr.Ashutosh Ranjan Pandey -AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 16.07.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following reliefs:

“(i) For issuance of a writ in the nature of mandamus
commanding the respondent no. 1 to implement of
clause 4(i)(c) of Bihar Litigation Policy- 2011 in its
letter and spirit which is not being followed by the
State authorities causing mushroom growth of
litigation before the High Court and other court
cause injustice to the citizen and they are forced to
come to the court in such cases in which issues have



already been decided either by this Court or by Hon'ble Apex Court and further for appropriate direction to the State Government to take action against the authority who violates the above provision of the Act.

(ii) For issuance of a writ in the nature of Mandamus commanding the respondent no. 2 to call for reports from the department of Education as well as the Universities that how many matters withy regard to recognised minority institution are pending which can be disposed of in the light of Judgment rendered in foundation TMA Pai Versus State of Marnataka case reported in 2002 vol. (8) SCC 481 and others case decided by the Hon'ble Apex Court as well as this High Court which is mentioned in subsequent para (ssue wise) in writ application. ”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available



in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

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