

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.22734 of 2019**

Nilu Devi @ Neelu Devi, wife of Mukund Kumar, resident of Village-Budh  
Nagara Jagranath, P.S. Musahari, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Human Resources Department Department, Government of Bihar, Patna.
3. The Director, Mass Education, Government of Bihar, Patna.
4. The Secretary, Finance Department, Government of Bihar, Patna.
5. The Regional Deputy Director of Education Tirhut Division, Muzaffarpur.
6. The District Magistrate, Muzaffarpur.
7. The District Programme Officer (Primary Education and Sarv Shiksha Abhiyan), Muzaffarpur.
8. The District Welfare Officer, Muzaffarpur.
9. The District Education Officer, Muzaffarpur.
10. The Block Education Officer, Musahari, District-Muzaffarpur.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Bharat Lal, Advocate  
For the Respondent/s : Mr. Apurv Harsh, AC to SC-28

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      04-02-2020                      Heard Mr. Bharat Lal, learned advocate for the  
  
petitioner and Mr. Apurv Harsh, learned advocate for the  
  
respondent/State.

The petitioner, who is the Secretary of  
  
Saraswati Madhya Vidyalaya, Kanhauli Bishundatt,  
  
Musahari and Parwati Madhya Vidyalaya, Buddh Nagra,



Jagarnath Musahari has approached this Court against the order dated 19.07.2019, which in fact is a communication by the Director, Primary Education to Regional Deputy Director, Tirhut Range, Muzaffarpur asking for the circumstances under which the schools of the petitioner have been provided with government grants against the rules.

The author of the letter, on perusal of records found that the schools in question are private schools registered as minority institutions which are not entitled for any grant whatsoever.

The whole issue erupted when the petitioner had earlier approached this Court vide C.W.J.C. No. 12408 of 2018 seeking permanent approval of the schools in question as minority schools. A Bench of this Court vide order dated 18.08.2018 directed the petitioner to approach the competent authority for the needful.

When the matter was placed before the



competent authority viz. the Director, Primary Education, it was then discerned that till a particular year, the schools were provided government grants against the rules. It is in this circumstance that a communication has been made by the Director, Primary Education to Regional Deputy Director so as to identify as to at whose instance, the government grants were given to the schools in question.

This communication does not at all affect the petitioner adversely and there is no reason why the communication ought to be quashed.

It is only necessary to know as to how government money was diverted in the schools in the name of grants to which those schools were not entitled.

Mr. Bharat Lal, learned advocate, after having heard the observations of the Bench in this matter, submitted that if any disadvantage is caused to the petitioner, she ought to be heard before any decision is taken.



No such direction can be granted at this stage because no decision yet has been taken with respect to the schools in question. The petitioner has only approached the concerned authority for grant of regular recognition and while such request was being assessed, these facts have come to the fore which need an elaborate enquiry for fixing the liability. There is no material before this Court to pass any mandamus with respect to affording hearing the petitioner at the stage of enquiry about such wrong diversion of funds to the schools in question.

There is no merits in the petition. The petition stands dismissed.

**(Ashutosh Kumar, J)**

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