

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.318 of 2019

In

Civil Writ Jurisdiction Case No.13614 of 2017

Principal, St. Xaviers High School, West Gandhi Maidan, Patna Fr. A Christu Savarirajan S.J. Male, aged about 43 Years, son of Late K. Arulsamy, resident of St. Xavier's Jesuit Residence, West Gandhi Maidan Road, P.S.-Gandhi Maidan, Dist.-Patna

... .. Appellant/s

Versus

1. Mrs. Ruby Jha, W/o Anil Kumar Jha, C/o Jagdish Mahto behind Wilson Lodge, Mohammedpur, Sahganj Chouraha, Mahendru, P.S.-Sultanganj, Dist.- Patna.

... .. Respondent/s 1st set

2. The State of Bihar, through Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. District Magistrate, Patna.
4. The Director, Secondary Education Department, Govt. of Bihar, Patna.
5. District Education Officer, Patna.
6. The District Programme Officer, Patna.
7. The Block Education Officer, Patna.
8. The Superintendent of Police, Patna.
9. The Officer In Charge, Gandhi Maidan Police Station, Patna.

... .. Respondent/s 2nd set

Appearance :

For the Appellant/s : Mr. K.M.Joseph, Adv.

For the State : Mr. Sarvesh Kumar Singh, AAG-13

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 06-07-2022

Heard Mr. K.M. Joseph, the learned Advocate for the appellant/school and Mr. Sarvesh Kumar Singh, the learned Additional Advocate General No. 12.

2. The controversy arose when a student of St. Xavier's High School was expelled for having exploded a cracker in the school premises which had led to injuries to one of the differently abled students of the school.

3. The expulsion of the student was challenged by his mother, which led the learned Single Judge to inquire into the matter in some depth.

4. The District Magistrate, Patna was asked to find out and fix the responsibility and the report submitted by the District Magistrate was not favourable to the school management.

5. Be that as it may, the learned Single Judge, finding that much time had elapsed, did not direct for re-induction of the student, but, as part of larger social measure, directed the Principal Secretary, Education Department, Govt. of Bihar to come out with an



exhaustive guidelines, to be followed strictly by the Minority institutions without interfering with their rights to establish and manage their institutions as envisaged under Articles 29 and 30 of the Constitution of India. It was expected by the learned Single Judge that the government would take necessary action in that regard as contemplated under Section 18 of the Bihar Non-Government Secondary Schools (Take Over of Control and Management) Act, 1981.

6. Mr. Sarvesh Kumar Singh, the learned counsel for the State, however, submits that till date no such guideline/s has been formulated.

7. However, we find from the impugned judgment that there is no castigation on either the institution or the Principal of the institution or on the running of the institution.

8. Since there is no *lis* to be decided in this appeal, we consider it appropriate to give a quietus to the entire dispute but with the caveat that the direction to the State Government for formulating guidelines still subsists,



which they are under an obligation to obey.

9. The appeal is, thus, consigned and disposed off accordingly.

10. I.A., if any, also stands disposed off.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

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