

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1204 of 2018**

**In**

**Civil Writ Jurisdiction Case No.8469 of 2018**

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1. Ayodhya Sanskrit Primary Cum Middle School and Ors
  2. Raj Mantri Singh Son of Late Indradeo Singh at present posted a Head Master of Ayodhya Sanskrit Primary-cum-Middle School, Dharupur, Police Station- Nokha, District- Rohtas.
  3. Sharda Sanskrit Primary-cum-Middle School Baligawan, Police Station- Nokha, District- Rohtas through
  4. Ramashish Singh Son of Late Ramkeshwar Singh Head Master of Sharda Sanskrit Primary-cum-Middle School Baligawan, Nokha, Rohtas.
  5. Ram Swaroop Sanskrit Primary-cum-Middle School Dumra, Police Station- Karahgar, District- Rohtas th
  6. Sushila Kumari w/o Om Prakash Singh the Head Master of Ram Swaroop Sanskrit Primary-cum-Middle School, Dumra, Karahgar, Rohtas.
  7. Ram Vachan Sanskrit Primary-cum-Middle School Godania, Police Station- Shiv Sagar, District- Rohtas
  8. Geeta Devi Wife of Sri Rajgrihi Singh head Master of Ram Vachan Sanskrit Primary-cum-Middle School Godania, Shiv Sagar, Rohtas.
  9. Deputy Singh Sanskrit Primary-cum-Middle School Sanhua, Police station- Shiv Sagar, District- Rohta
  10. Priya Kumari W/o Sri Raj Kumar Singh Head master of Deputy Singh Sanskrit Primary-cum-Middle School Sanhua, Shiv Sagar, Rohtas.
  11. Janta Sanskrit Primary-cum-Middle School Shumbha, Police station- Sasaram, District- Rohtas through
  12. Sri Niwash Singh Son of Late Ramashish Singh Head Master of Janta Sanskrit Primary-cum-Middle School Shumbha, Sasaram, Rohtas.
  13. Janki Sanskrit Primary-cum-Middle School Doriyan, Police Station- Shiv Sagar, District- Rohtas, th
  14. Sripati Singh Son of Ramjag Singh, Head Master of Janki Sanskrit Primary-cum-Middle School Doriyan, Shiv Sagar, Rohtas.

... .. Appellant/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary Finance Department, Government of Bihar, Patna.
3. The Secretary, Education Department, Government of Bihar, Patna.
4. The Special Director Secondary Education, Bihar, Patna.
5. The Director Secondary Education, Bihar, Patna.
6. The Director Administrative-cum-Additional Secretary, Government of Bihar, Patna.



7. The Deputy Secretary, Education Department, Government of Bihar, Patna.
8. The Chairman, Bihar Sanskrit Education Board, Bihar, Patna.
9. The Secretary, Bihar Sanskrit Education Board, Patna.
10. The District Magistrate, Rohtas.
11. The District Magistrate, Gaya.
12. The District Education Officer, Gaya.
13. The District Education Officer, Rohtas.
14. The District Education Officer, Aurangabad.
15. The District Education Officer, Jehanabad.
16. The District Education Officer, Arwal.
17. The District Programme Officer Establishment, Gaya.
18. The District Programme Officer Establishment, Rohtas.
19. The District Programme Officer Establishment, Aurangabad.
20. The District Programme Officer Establishment, Jehanabad.
21. The District Programme Officer Establishment, Arwal.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Rajeev Kumar Singh, Advocate  
For the Respondent/s : Mr. Shashi Shekhar Tiwary, AC to AAG-15  
For the Board : Mr. Satyam Shivam Sundaram, Advocate

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

**and**

**HONOURABLE MR. JUSTICE JITENDRA KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

**Date : 23-06-2022**

Heard Mr. Rajeev Kumar Singh, learned Advocate for the appellants/schools and Mr. Satyam Shivam Sundaram for the Bihar Sanskrit Education Board. The State is represented by Mr. Shashi Shekhar Tiwary, learned AC to AAG-15.

The appellants have challenged the order dated 07.05.2018 passed in C.W.J.C. No. 8469 of 2018, whereby the prayer made on behalf of the appellants for a direction to the



authorities for inspection of the schools under the 1976 Rules has been rejected.

The only ground which has weighed with the court in rejecting the prayer of the appellants is that if admittedly the recognition was granted to these schools in 2007, it was during the currency and tenure of the 1993 Rules.

The learned single Judge has also gone through the provisions of the 1993 Rules and has found that one of the clauses of the Rules specify that all earlier rules in that regard stood superseded.

Mr. Singh, learned counsel for the appellants has very vehemently argued that the recognition to the schools in question were granted in the year 2007 with a specific disclosure of the Government that such recognition was without any financial assistance and under the 1976 Rules. He further submits that the requirement under the two Rules i.e. 1976 and 1993 Rules are diametrically different and some of the conditions under the 1993 Rules are more onerous so far as the infrastructure of the schools are concerned. Under the 1993 Rules, a school to have the recognition of the Board is required to possess a requisite area of land, which requirement was not there in 1976 Rules.



The appellants therefore, apprehend that if their schools are subjected to inspection under the 1993 Rules, perhaps they would lose their recognition and affiliation.

The aforesaid fear in the mind of the appellants is atavistic and cannot be redressed. Once it is admitted that the recognition of these schools were granted in the year 2007, which was during the currency and application of the 1993 Rules, that would bring unsurmountable difficulties for the institutions to press for dilution of the severity of the provisions of 1993 Rules.

It has also been brought to the notice of this Court by the Board that pursuant to the order passed by a Bench of this Court on 13.10.2017 in C.W.J.C. No. 2787 of 2017, such an inspection exercise has already begun at the level of the Government for which the appellants/schools were noticed. It was only after the receipt of such notice, which declared that such inspection would be made under the 1993 Rules, that the appellants chose to approach this Court for a direction for inspection under the 1976 Rules.

Mr. Sundaram, learned counsel for the Board submits that the writ petition otherwise also is premature as no inspection was completed and therefore, no sequel decision was taken.



The 1993 Rules being onerous in many respects provides many other premium to such schools, the main being the financial assistance from the Government.

The institutions cannot blow hot and cold in the same breath.

If recognition is solicited as also the financial assistance, it would be incumbent upon such schools to upgrade themselves so far as the infrastructure is concerned.

Considering all these aspects, we do not find any fault with the order passed by the learned single Judge.

The petition is thus dismissed.

**(Ashutosh Kumar, J)**

**(Jitendra Kumar, J)**

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