

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18619 of 2017

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All India Student Federation through its State Joint Secretary, Ranjit Pandit,
Son of Prashuram Pandit, R/o Village- Gajipur, P.S.- Desari, District- Vaishali.

... .. Petitioner

Versus

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

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Adv. Mr. Vardaan Mangalam, Adv. Mr. Rituraj, Adv.
For the Respondent-State	:	Mr. Biswa Bibhuti Kumar Singh,

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 12-07-2022

Heard Mr. Dinu Kumar, learned counsel for the petitioner and Mr. Biswa Bibhuti Kumar Singh, learned counsel for the State.

2. The present writ application has been filed by the petitioner by way of Public Interest Litigation seeking direction to the respondents particularly to the Chief Secretary, Government of Bihar, Patna to take final decision upon the report of Common School System Commission submitted on 08.06.2007 for ensuring common school system in the State of



Bihar. He has further prayed for direction to ensure equality in education to the children as provided under the Right to Education Act, 2009 (for short 'RTE Act, 2009').

3. A counter affidavit has been filed on behalf of the respondent no. 3.

4. It has been pleaded on behalf of the respondent-State that it is within the domain of the State Government to act upon any report and the State cannot be put under pressure to act upon or implement report of any commission, as before taking steps for implementing any suggestion submitted by way of report to the State Government various aspects are required to be looked into. It has further been contended that while the report of the Common School System Commission was under consideration before the State Government, in the wake of 86th Amendment to the Constitution of India inserting Article 21A for providing free and compulsory education to children of age of 6 to 14 years, the RTE Act, 2009 was enacted by the Central Government and since it is a Central legislation, the State Government is duty bound to follow the provisions of the Act and, as such, the report of the Common School System Commission has been kept in abeyance and all actions are being taken up in view of provisions under the RTE Act, 2009 to meet



the aims and objects of the Act.

5. We are in agreement with the contentions advanced on behalf of the State.

6. It is needless to say that report of a commission has no binding force. It is for the consideration of the State whether to implement the recommendations made by the Commission or not. We are of the view that a Public Interest Litigation for implementing the recommendations of the Commissions cannot be entertained.

7. In that view of the matter, we see no merit in this writ petition. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

(Dr. Anshuman, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
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