

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2325 of 2019

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Mithilesh Jha Son of Triveni Jha resident of Village Begampur, P.O. and P.S. Chhatauna, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director (Secondary Education), Bihar, Patna.
3. The Special Director, (Secondary Education), Department of Education, Bihar, Patna.
4. The District Magistrate, Begusarai.
5. The Deputy Development Commissioner, Department of Education, Begusarai.
6. The District Education Officer, Begusarai.
7. The District Programme Officer (Establishment), Begusarai. Begusarai.
8. The Block Development Officer, Naokothi, Begusarai.
9. The Block Education Officer, Naokothi Naokothi, Begusarai.
10. The Managing Committee, Akshaybatt Sanskrit Primary-cum- Secondary School, Naokothi, Begusarai through its Secretary.
11. The Secretary, Managing Committee of Akshaybatt Sanskrit Primary-cum- Secondary School, Naokothi, Begusarai.
12. The Headmaster, Akshaybatt Sanskrit Primary-cum- Secondary School, Naokathi, Begusarai.
13. The Union of India through the Commissioner-cum- Secretary, Human Resources Development Department, Government of India, New Delhi.
14. Rashtriya Sanskrit Sansthan, Jankpuri, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Advocate
For the Respondent/s : Mr. Subash Chandra Mishra (SC-6), Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 13-10-2023

1. Heard learned counsel for the parties.

2. The petitioner claims to be working as an
Additional Teacher in Akshaybat Sanskrit Primary-cum-



Secondary School, Naokathi, Begusarai has filed the present writ application for a direction to respondent Nos. 13 and 14 i.e., Union of India through the Commissioner-cum-Secretary, Human Resources Development Department and Rashtriya Sanskrit Sanstha, Janakpuri, New Delhi, to release the funds for payment of salary in favour of the petitioner's school for the period 2015-16, 2017-18 and 2018-19.

3. Learned counsel for the petitioner submits that *vide* Letter No. 39, dated 01.07.1983, the petitioner was granted permission to work in the school as an Additional Teacher in anticipation of approval by the Managing Committee of the School. *Vide* Memo No. 73, dated 27.01.1984, the State Government upgraded the level of the school from primary-cum-Middle school to primary-cum-High (Secondary) school with a science Teacher.

4. *Vide* Letter No. 749, dated 16.10.1986, the State Government forwarded the applications and list of 12 Sanskrit School stating therein that the Sanskrit Schools placed at Sl. No. 1 to 9 have been duly approved by the State Government while schools placed at Sl. No. 10 to 13 were newly established schools and its approval was under consideration before the State Government and further made recommendation to the



Central Government for granting financial aid to all those schools, the petitioner's school name was at Sl. No. 4 of the said list.

5. *Vide* Letter No. 98 of 1986, dated 21.11.1986, the Managing Committee of the school granted approval of the appointment of the petitioner along with two other Teachers w.e.f. 01.04.1985 under the scheme of Central Government.

6. The petitioner claims that the petitioner was paid salary since then and have received the salary pursuant to grant in aid given by the respondent Nos. 13 and 14 till 2014-15. He further claims that grant-in-aid was released for the period 2016-17 and the petitioner has received his remuneration/salary for the aforesaid period. The period for which the grant-in-aid has not been given by respondent No. 14 is 2015-16, 2017-18 and 2018-19 is due to the fact that the District Magistrate, Begusarai, did not recommend for renewal of grant-in-aid of the concerned school.

7. Learned counsel for the respondent No. 14 submits that the institution of the petitioner namely Akshaybat Sanskrit Primary-cum-Secondary School, Naokathi, Begusarai, had been receiving the financial assistance towards salary of the Sanskrit Teacher under the scheme of financial assistance to voluntary



sanskrit organizations/institutions. The granting institutions are required to apply for financial assistance on year to year basis. The Grants-in-Aid Committee, in its meeting held on 15.01.2015, decided that the application for renewal of grant, in respect of secondary/higher secondary school, shall be accepted with endorsement by concerned District Magistrate. She further submits that grant towards salary of Sanskrit Teacher in this institution, for the years 2015-16, 2017-18 and 2018-19 is pending because the applications have not been received duly forwarded by the concerned District Magistrate, Begusarai. For the year 2016-17, the Grants-in-Aid Committee considered the application of the institution, in its meeting, dated 12.10.2018, and approved the annual grant of Rs. 72,000/- for the year 2016-17. Since the school, in question, failed to comply with the prescribed provisions of submission of application through District Magistrate, for the years 2015-16, 2017-18 and 2018-19, so it was not possible for the respondent No. 14 to sanction and release the grant towards salary of Sanskrit Teacher for these years. The institution had applied through the District Magistrate as per the norms for the year 2016-17 and the grant towards salary of these teachers were sanctioned and released as stated herein above.



8. Learned counsel for the State submits that the School, in question, may be directed to furnish all the relevant papers before the District Magistrate, Begusarai for recommending the claim of grant-in-aid of the institution to the respondent No. 14 and after receipt of the papers, the District Magistrate, Begusarai will take decision within a period of three months from the date of receipt of the relevant papers.

9. Learned counsel for the petitioner submits that all the required papers have been submitted before the Collector including the recommendation of D.P.O. and other authorities.

10. Having heard the learned counsel for the parties and upon perusal of the material on record, it appears that the Collector has not recommended for renewal of grant-in-aid to the concerned authority i.e., respondent No. 14 for the period 2015-16, 2017-18 and 2018-19. The claim of the petitioner is that all the relevant papers along with the recommendation of D.P.O, B.D.O. and other authorities for renewal of grant-in-aid for the aforesaid period has already been submitted before the Collector.

11. Be that as it may, the Principal of the concerned institution i.e., Akshaybat Sanskrit Primary-cum-Secondary School, Naokathi, Begusarai, is directed to furnish all the



relevant papers and documents before the Collector for renewal of grant-in-aid for the period in question within three weeks' and if the documents along with the request of the institution is furnished before the Collector, the Collector shall be obliged to inform/forward the proposal with his comment before the competent authority after holding proper inquiry in accordance with law within a period of two months from the date of receipt of request/documents from the institution.

(Anil Kumar Sinha, J)

HarshPandey/-

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