

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7361 of 2023

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Kumari Sundaram D/o Phares Ram, R/o Village Magarhatta Masjid Chowk,
P.O. and P.S. - Hajipur, District - Vaishali, Bihar (844101), Proposed Principal
of Satyam Shivam Sundram Hindi Secondary School (10 + 2) Jarua
Chiknahta, Hajipur, Vaishali.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary Education Department, Govt. of Bihar, Patna.
3. The Chairman, Bihar School Examination Board, Bihar, Patna.
4. The Secretary, Bihar School Examination Board, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Singh, Advocate
For the Respondent/s	:	Mr. Madhukar Mishra, AC to SC-16
For the BSEB	:	Mr. Manish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-06-2023 Heard learned counsel for the petitioner and learned

counsel for the Bihar School Examination Board as also the

State.

The petitioner in the present case is seeking a
direction commanding the respondents to return a sum of
Rs.1,50,000/- which has been deposited on account of affiliation
fee and Rs.15,000/- deposited towards the inspection fee. He
also prays for interest w.e.f. 17.04.2015.

Learned counsel for the petitioner submits that the
petitioner proposed to establish a school, namely, Satyam
Shivam Sundaram Higher Secondary School (10+2) at Jarua
Chicknauta, Hajipur in the district of Vaishali and for this



purpose, she filed an application with the Secretary of the Bihar School Examination Board for grant of affiliation to the proposed Secondary School w.e.f. the Session 2015-17.

Learned counsel submits that despite lapse of 7 years, the Bihar School Examination Board has not taken any decision, no affiliation was accorded to the petitioner institution and at this stage, the petitioner finds it difficult to start the school without affiliation. Hence, a request has been made to the Secretary to refund the amount as stated hereinabove.

Attention of this Court has been drawn towards the copy of the petition addressed to the Secretary of the Bihar School Examination Board as contained in Annexure '3' and another copy addressed to the Chairman of the Bihar School Examination Board vide Annexure '4' to the writ application.

Learned counsel for the Bihar School Examination Board submits that if the petition filed by the petitioner as contained in Annexures '3' and '4' are still pending, the competent authority of the Bihar School Examination Board shall take a decision thereon within a reasonable period.

Having regard to the aforementioned facts and the submissions noted hereinabove, this Court directs the Chairman of the Bihar School Examination Board (respondent no. 3) to



look into the representation of the petitioner as contained in Annexures '3' and '4' and take a decision thereon within a period of two months from the date of receipt/production of a copy of this order.

If it is found that the amount deposited by the petitioner are liable to be refunded, the same must be done within a period of two months failing which the petitioner would be entitled for interest at the bank rate.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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