

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8360 of 2023

=====

Rainbow Vidyalaya near Rayees More, Pakri Barawan, Nawada through Chairman of its Managing Committee namely Jagat Kiran Sinha, Son of Baleshwar Prasad, gender-male, aged about 56 years, resident of Village, P.O. and P.S.- Pakribarawan, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar.
3. The District Magistrate, Nawada.
4. The District Education Officer, Nawada.
5. The District Programme Officer, Nawada.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Suryakant Kumar, Advocate
For the Respondent/s : Mr.Prabhakar Jha, GP-27

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-07-2023 Heard learned counsel for the petitioner and the State.

This writ application has been filed seeking a direction to the respondents to release funds and make payment to the petitioner for 315 students whom the petitioner's institution claims to have imparted education in the light of the provisions of Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the 'Act of 2009').

Learned counsel for the petitioner submits that the petitioner is a private school running under a registered society. Under the provisions of the Act of 2009, the private schools



have been directed to take admission of 25% of the students of total capacity from poor family and no fee has to be taken from these poor students. The expenses incurred by the school on these 25% students are to be reimbursed to these schools by the office of the District Education Officer. In paragraph '7' of the writ application, it is stated that the petitioner was directed to impart education from class I to VIII vide letter no.1725/SSA dated 17.10.2014 issued by the office of the District Education Officer, Nawada and recognition code was allotted to the petitioner. The approval letter dated 17.10.2014 has been enclosed as Annexure- '2' to the writ application.

Learned counsel for the petitioner has drawn the attention of this Court towards the statements made in paragraph '9' onwards to submit that during different years since 2015-16 the petitioner's institution has imparted education to the poor students number of which are mentioned in these paragraphs.

In paragraph '12' of the writ application, it is, however, admitted that the petitioner has received Rs.4,42,039/-.

Learned counsel for the petitioner submits that this Court may direct the District Education Officer, Nawada to consider the representation of the petitioner and take an appropriate view of the matter.



Learned counsel for the State, however, submits that in absence of any pleading in the writ application as regards approval for the period after 2014-17, no direction need be issued to the District Education Officer, Nawada to consider the representation.

Having heard learned counsel for the petitioner and the State and on perusal of the records, this Court finds substance in the submissions of learned counsel for the State. In the writ application, save and except the statements made in paragraph '7' that the petitioner was directed to impart education from class I to VIII vide letter no.1725/SSA dated 17.10.2014 (Annexure- '2'), no further statement has been made by the petitioner saying that the said permission was extended beyond 16.10.2017. A perusal of Annexure- '2' which is in Form-2 said to have been issued in the light of sub-rule (5) of Rule 11 of the Act of 2009 framed under Section 18 of the Act of 2009 would show that permission was granted to the school for a period of three years only. Since there is no statement in the writ application that this permission was extended beyond three years, this Court finds no reason to issue a writ in the nature of mandamus.

This writ application, as framed, cannot proceed. It is



being dismissed keeping it open for the petitioner to pursue his
remedy, if any, available to him for further approval/permission
in accordance with law.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

