

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3137 of 2018

In
Civil Writ Jurisdiction Case No.18164 of 2017

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1. Bihar Intermediate Shikshak Avam Shikshaketar Karmchari Mahasang through General Secretary, Ganesh Prasad Singh, Son of Late R.N Singh, residing at Shivajipath Yarpur, Rajputana, P.S. Gardanibag, P.O. G.P.O., District- Patna.
 2. Sunil Kumar Chaudhary, Son of Late Shital Chaudhary, at present working as Principal Dr. Ganga Rani Sinha Intermediate College, Nawada, P.O., P.S. and District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri R. K. Mahajan, the Principal Secretary, Secretariat, Govt. of Bihar, New Secretariat, Patna.
2. Sri R.K. Mahajan, the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
3. Sri R.L. Chinthu, the Director, Higher Education, Govt. of Bihar, New Secretariat, Patna.
4. Bihar School Examination Board, Sinha Library Road, Patna through its Chairman Shri Anand Kishor.
5. Sri Anand Kishor, the Chairman, Bihar School Examination Board, Sinha Library Road, Patna.
6. Sri , The Secretary, Bihar School Examination Board, Sinha Library Road

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Priyadarshi Matri Sharan, Advocate
		Mr. sudhanshu Trivedi, AC to SC-28

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 07-10-2023 Heard Mr. Sunil Kumar Singh, learned counsel

 appearing on behalf of the petitioners and the learned counsel

 for the State.

2. The present application has been filed seeking

initiation of contempt proceeding against the opposite parties for



their alleged willful defiance of the order dated 11.04.2018 passed by a Bench of this Court in C.W.J.C. No. 18164 of 2017 whereby taking note of the judgment rendered by the Apex Court direction has been given to the respondents-opposite parties to distribute the fund under the Bit Rahit Shiksha Niti on uniform basis without following pick and choose.

3. It has been made clear that in case the other institutions have been granted the benefit of allocation of fund based on performance of the students of the institution, the State-authorities are required to provide fund to all such institutions and adopt uniform standard.

4. Show-cause affidavits have been filed on behalf of the opposite parties no. 2 and 3 and averments have been made that in compliance of the order of this Court a sum of Rs.3,44,15,91,600/- has been sanctioned vide Memo No. 83, dated 13.12.2018, issued under the signature of Deputy Secretary, Education Department, Government of Bihar, Patna and further direction has been given to all the Secretaries, Principals, Headmasters of Non-government recognized aided High School and +2 Schools to ensure payment of grants-in-aid in due proportion on pro rata basis vide letter dated 08.01.2019.

5. It is, thus, submitted that now the distribution of the



fund has already been ensured amongst the aforementioned institutions and thus he submitted that the order of this Court has already been complied with.

6. At this stage, learned counsel for the petitioners submits that discrimination has been caused in the distribution of the fund under Bit Rahit Shiksha Niti.

7. In view of the submissions made on behalf of the parties, the present contempt petition stands disposed of.

8. It is needless to observe that if the petitioners have any grievance with regard to the distribution of the fund that gives a fresh cause of action to approach the appropriate authority/forum.

(Harish Kumar, J)

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