

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19407 of 2018

Shri Ishwari Dutt Sanskrit High School, Chhaurahi through its Secretary, Smt. Kaushlya Devi, wife of Shri Shashi Bhushan Jha, resident of Ward-11 P.O.- Chhaurahia, District Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Secretary, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Deputy Secretary, Secondary Education, Education Department, Government of Bihar, Patna.
5. The Special Secretary, Secondary Education, Education Department, Government of Bihar, Patna.
6. The Deputy Director, Secondary Education, Education Department, Government of Bihar, Patna.
7. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
8. The Secretary, Bihar Sanskrit Shiksha Board, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. Abhinay Raj, Advocate Mr. Alexander Ashok, Advocate
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw, GP-23 Mr. Sanjay Kumar, AC to GP-23
For the Board	:	Mr. S.S. Sundaram, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

12 21-08-2023 Heard Mr. D.K. Sinha, learned senior counsel for the petitioner and Mr. S.S. Sundaram, learned counsel for the Bihar Sanskrit Shiksha Board (hereinafter referred to as the 'Board') as also Mr. Madhaw Pd. Yadaw, learned GP-23 for the State.

2. The petitioner in the present case has challenged the communication as contained in Memo No. 4060 dated



12.12.2018 (Annexure '18' to the I.A. No. 01 of 2019) whereby and whereunder the proposal for grant of recognition to the school in question has been rejected by the Chairman of the Board.

3. Learned senior counsel for the petitioner submits that the impugned office order is bad in law for two reasons. Firstly, it is stated that Annexure '18' does not show as to what are those parameters which this school is not fulfilling and secondly that the Chairman of the Board can pass an order under Section 11(4) only under a compelling circumstance when it is not practically possible to hold a Board meeting and in such circumstance, the Chairman would be obliged to place his decision before the Board in the next meeting which has not been done in the present case. Reliance in this regard has been placed on the judgment of this Court in the case of **Sarswati Bhawan Jai Kant Madhyamik Sanskrit Vidyalaya and Ors. Versus The State of Bihar and Ors.** reported in **2013 (4) PLJR 268.**

4. Mr. S.S. Sundaram, learned counsel for the Board agrees that so far as Annexure '18' is concerned, it does not contain any reason and to that extent it may not be sustainable.

5. Having regard to the submissions noted



hereinabove and the stand of the Board, this Court sets aside the impugned order as contained in Annexure '18' to the I.A. No. 01 of 2019 and directs the Board to consider the case of the petitioner afresh in accordance with law and pass an appropriate order within a period of three months from the date of receipt/production of a copy of this order.

6. This writ application is allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

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