

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13376 of 2019

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Banshidhar Sanskrit Prathmik Vidyalaya Fatehpur, Gaya through its Assistant Teacher Smt. Lata Sharan Pandey Aged about 54 years (Female) Wife of Late Uma Kant Pandey, Resident of Mohalla- Fatehpur, P.S.- Fatehpur, District-Gaya.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar Jha, Advocate.
For the Board	:	Mr. Satyam Shivam Sundaram, Advocate.
For the State	:	Mr. Vinay Kumar Mishra, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 22-11-2023 Heard learned counsel for the petitioner and

learned counsel for the State.

2. The petitioner has challenged the impugned order dated 15.6.2002 as well as 5.3.2012 (Annexure-3) by which the recognition granted to the school has been withdrawn by the Chairman of the Board and ratified by Annexure-3.



3. Learned counsel for the petitioner submits that similar issue was considered by the Division Bench of this Court in LPA No. 366 of 2009 in which it has been held that power of recognition and withdrawal of the Sanskrit School under the Bihar Sanskrit Education Board , 1981 is vested in the Board and not in its chairman.

4. Referring to Annexure-5, learned counsel for the petitioner submits that the impugned order dated 15.6.2002 has already been quashed by a coordinate Bench of this Court in CWJC No. 1727 of 2009 and other analogous cases reported in **2013(4) PLJR 268 (Sarswati Bhawan Jai Kant Madhyamic Sanskrit Vidalaya Vs. State of Bihar and others.)**. Learned counsel further submits that LPA No. 946 of 2015 has already been dismissed.

5. On the other hand, learned counsel for the Board admits that the case of the petitioner is covered by the Judgment reported in **2013(4) PLJR 268**.

6. In view of the aforesaid submission made by the parties, this writ application is allowed and the order vide Memo No. 3077 dated 15.6.2002 passed by the Bihar Sanskrit Shiksha Board, Patna (Annexure-1) and order vide



Memo No. 287 dated 5.3.2012 passed by the Education Department, Bihar, Patna, are quashed and this writ application is disposed of in terms of the Judgment reported in ***2013(4) PLJR 268.***

(Anil Kumar Sinha, J)

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