

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13784 of 2019

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Sardar Pratap Kumar S/o Shatrughan Sharma Resident of Sonchhari, P.S. Parwalpur, Dist.Nalanda, at present Lecturer, Swami Harinarayanand Gramin Inter College, Badimath, Post Parwalpur, Dist.Nalanda

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Additional Chief Secretary, Department of Education, Bihar, Patna
4. The Director, Secondary Education, Bihar, Patna
5. The Bihar School Examination Board, through its Secretary, Sinha Library Road, Patna
6. The Chairman, the Bihar School Examination Board, Sinha Library Road, Patna
7. The Secretary, the Bihar School Examination Board, Sinha Library Road, Patna

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Prabhakar Jha, GP-27
		Mr. Umesh Narayan Dubey, AC to GP-27
For the Board	:	Mr. Sunil Kumar Mandal, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 28-06-2023 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Bihar School Examination Board (hereinafter referred to as the 'Board').

This writ application has been filed seeking a direction to the respondents to make payment for the grant-in-aid to the petitioner as well as other teaching and non-teaching employees of the Swami Harinarayanand Gramin Inter College, Barimath, District- Nalanda for the Session 2012-14.

The case of the petitioner is that the college in



question was established in the year 1979 as Degree college and over the period it obtained affiliation for establishment of a college at Intermediate level. Presently, it is being managed and controlled by the Board.

It is stated that the State Government started giving grant-in-aid to the college from the year 2007-08 and it has continued till 2011-13 but from the year 2012-14, the grant-in-aid has not been released. It is submitted that there was some dispute as a complaint was lodged before the learned Lokayukt and an inquiry was constituted by the learned Lokayukt to examine the matters. An inquiry report was also submitted but later on the charges were found false and baseless. It is submitted that the learned Lokayukt accepted the report of the Inquiring Team and no adverse order has been passed against the college.

By filing an interlocutory application being I.A. No. 01 of 2020, the petitioner prays for a direction to the respondents to release the grant-in-aid for the Session 2014-16 and 2015-17.

I.A. No. 02 of 2021 has again been filed for release of grant-in-aid for the Session 2013-15.

Earlier, a counter affidavit was filed on behalf of the



Board. In paragraph '7' of the counter affidavit, a statement has been made that a complaint case bearing no. 1/Lok (Education) 208/2012 was instituted with regard to grant-in-aid. The Hon'ble Lokayukt instituted an inquiry in the matter. The complaint was also sent to the Superintendent of Police (Vigilance), Lokayukt Office. In paragraph '9', it is stated that the said case is still pending consideration before the Hon'ble Lokayukt and by the order dated 07.03.2019, the next date in the matter has been fixed for 26.08.2019.

When this case was taken up for consideration on 04.05.2023, this Court was informed that inquiry against the institution has been dropped by the Hon'ble Lokayukt. Taking note of the aforesaid statement, this Court directed the Board to file a supplementary counter affidavit. The State was also directed to file counter affidavit within the given period of three weeks. Neither the State nor the Board has complied with the direction of this Court as contained in its order dated 04.05.2023.

This Court, therefore, deems it just and proper to impose a cost of Rs.5,000/- (Rupees Five Thousand Only) against each of them for not assisting this Court with the required supplementary counter affidavit and counter affidavit.



Let the cost be deposited with the Patna High Court, Legal Services Authority within a period of two weeks from today.

At this stage, taking note of the kind of disputes and the reasons for which the grant-in-aid was not being released by the Board, this Court deems it just and proper that instead of keeping the writ application pending, the matter be remitted to the Board.

Let the Chairman of the Board (respondent no. 6) consider the grievance of the petitioner, examine the same on the basis of the materials which may be available and take an appropriate decision within a period of two months from the date of receipt/production of a copy of this order. If it is found that the petitioner's institution is eligible and entitle for the grant-in-aid, the same will be released within a reasonable period.

This writ application stands disposed of accordingly.

The cost imposed by this Court if not deposited by the given period, the same shall be realised in accordance with law.

(Rajeev Ranjan Prasad, J)

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