

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3779 of 2024

-
-
1. Abhishek Kumar S/o Shri Chandra Bhushan Sharma, R/o Village Sumera, P.S.- Makhdumpur, District - Jehanabad.
 2. Rakesh Kumar, S/o Late Chandra Bhushan Singh, R/o Mohalla-Shashtrinagar, P.S. and District- Jehanabad.
 3. Arvind Kumar Singh, S/o Late Ram Niwas Singh, R/o Village- Musipur, P.S. and District - Jehanabad.
 4. Surendra Pandit, S/o Late Jagan Pandit, R/o Mohalla- Unta, Madarpur, P.S. and District- Jehanabad.
 5. Bigan Bind, S/o Shri Sakul Bind, Village - Sukhadev Bigha, P.O.- Nonhi, P.S. and District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary to the Government of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary, Department of Education, Bihar having his office at New Secretariat, Patna.
3. The Director of Primary Education Bihar, New Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, Advocate General

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-03-2024

The writ petition is filed for the relief of disbursement of adequate amounts to the recognised private elementary schools for the sessions 2017-18 to 2023-24. The learned Government Pleader at the outset points out that the very same petitioners had filed another writ petition, which was withdrawn on 05.01.2024; wherein there was no liberty granted



to file a fresh writ petition.

2. We see that the very same petitioners, five in number had filed the present writ petition also. We see an averment made in the preset writ petition with respect to the filing of the earlier writ petition. It is averred that since some development was made from the side of the State Government, as also the earlier writ petition had not been in a proper format, the same was permitted to be withdrawn on 05.01.2024. Hence, the present writ petition is filed is the contention.

3. We see no such reasons having been stated for the permission granted to withdraw the writ application. We also see from the order dated 05.01.2024, that there is no liberty granted to approach this Court afresh either on the basis of subsequent facts or enabling the memorandum of writ petition to be filed in a proper format.

4. One of us (the Chief Justice), was a party to the order dated 05.01.2024. In fact on the earlier occasion when the writ petition came up, the Bench was of the opinion that it cannot be entertained, since the petitioners were agitating the cause of recognised schools, which cannot be done in a Public Interest Litigation. On being apprised of the said fact, the petitioners' counsel withdrew the writ petition.



5. We find that the very same counsel has now filed the present writ petition, with statements made regarding the permission granted for filing a writ petition in the proper format; which we deprecate in the strongest of terms.

6. We do not expect such deliberate falsehood to be sworn to and in the context of no liberty having been granted, we find absolutely no reason to entertain the writ petition.

7. We also notice that, as in the earlier writ petition Annexure-1 to 5 have been produced in the present writ petition. There are two further documents produced which are said to be directions issued by the Government, which are dated before the filing of the earlier writ petition. We find clear abuse of process of law in the second attempt, made on identical grounds

8. We dismiss the writ petition with a cost of Rs. 10,000/- payable to the Bihar State Legal Services Authority. The said amount will have to be paid within a period of two weeks and if not, the Bihar State Legal Services Authority shall be entitled to proceed for recovery by taking measures similar to recovery of arrears due on land through the District Magistrate, in which event the petitioners shall be liable for the charges incurred for making such recovery, which have to be recovered by the State. The recovery can be made from all or any of the



petitioners.

9. Let a copy of this judgment be transmitted to the
Member Secretary, Bihar State Legal Services Authority.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

aditya/-

AFR/NAFR	
CAV DATE	
Uploading Date	06.03.2024.
Transmission Date	

