

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17847 of 2024

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Brajesh Kumar Son of Shri Awadh Kumar Singh, R/V-vill.-Situhari, P.O. and
P.S.-Narayanpur, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through The Secretary, Education Deptt., Govt. of Bihar, Patna.
2. Principal, J.M. Institute of Speech and Hearing, Bachelor in Education (Special Education - Hearing - Impairment), 415 Indrapuri, P.O.-Keshari Nagar, Patna.
3. Shriman Narayan Roy, S/o Late Madhav Roy, R/o-Vill.-Chotaki Kharaon, Post Office-Kharaon Kala, P.S.-Sahar, Distt.-Bhojpur, at present residing at 4th House, West from Munna Chowk and East of Central School, Kankarbagh, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sachchida Nand Singh
For the Respondent/s : Mr. Standing Counsel (18)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-04-2025 1. Heard learned counsel for the parties concerned.
2. The petitioner is seeking refund from the Principal, J. M. Institute of Speech and Hearing, which is a private institution. Contention of the petitioner is that the petitioner took admission in the institute of the opposite party no. 2 for obtaining degree in Bachelor of Education in Special Education (Hearing Impairment) for the Sessions 2014-15, for which, he paid a total amount of Rs. 1,65,950/-. However, the opposite party no. 2-Principal of the private college failed to hold the



examination and kept giving false assurance to the petitioner that the examination would be conducted shortly.

3. Taking into consideration the nature of prayer and the fact that the opposite party no. 2 is the Principal of the private institution from whom the petitioner is seeking recovery of a sum of Rs. 1,65,950/-, I do not find the present writ application maintainable on the ground that the opposite party no. 2 is not a Government Authority or a State within the meaning of Article 12 of the Constitution of India and the petitioner has failed to show violation of any legal and/or fundamental right.
4. This application is, accordingly, dismissed as not maintainable.

(Anil Kumar Sinha, J)

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