

(2009) 05 PAT CK 0062
In the Patna High Court
Case No : CWJC No"s. 5762 of 2009

Girja Devi

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 11-05-2009

Acts Referred:

Bihar Sanskrit Shiksha Education Board Act, 1981 — Section 6

Citation : (2009) 3 PLJR 864

Hon'ble Judges : Mihir Kr. Jha, J

Bench : Single Bench

Judgement

Mihir Kr. Jha, J.—Heard counsel for the petitioner and counsel for the Bihar Sanskrit Siksha Board as also counsel for the State. In all these three writ petitions the grievance of the petitioners is almost same. The petitioners claim that the cases for grant of recognition of their respective Sanskrit School is pending for years together and that they are not being allowed by the Board to send in their students for appearing in Madhyama Examination. Counsel for the State and Board on the other hand submit that more than 4000 such schools are claiming grant of recognition and as such it is not possible to consider the cases of petitioners only.

2. All said and done, this court is of the opinion that the State Government nor Bihar Sanskrit Siksha Board can keep the fate and future of an institution seeking recognition hanging in balance for an indefinite long period. u/s 6 of the Bihar Sanskrit Siksha Board Act, there is an enabling power in the Board to accord recognition to the Sanskrit Schools with the prior approval of the State Government. In such an exercise, the Chairman of the Board by himself cannot do anything unless the matter is referred to as a whole by the Board to the State Government. At that stage, the Board has to make a fact finding enquiry and see the availability and necessity of such an institution in the facility by considering the existing the earlier number of recognized Sanskrit Schools and a possible scope for emergence, establishment and functioning of a fresh institution. If the

Board makes a recommendation for grant of recognition to any Sanskrit School to the State Government and the State Government agrees to such a proposal, the Board has to come out with a necessary decision or otherwise disclose reasons for not granting such recognition to the institution. This, however, has to be done in a fixed time frame and cannot be kept pending for an indefinite period.

3. That being so, these writ applications are being disposed of with a direction to the Secretary of the Bihar Sanskrit Siksha Board to process the case of recognition of not only these three schools but all other pending similar cases and place them before the Bihar Sanskrit Shiksha Board which must take its final decision in a period of six months from the date of receipt of this order after taking into account the fulfillment of the criteria fixed in Recognition Rules framed by the State Government as also consisting the other factors such as viability and necessity of such schools. The Secretary to the Board thereafter may convey the aforesaid decision in form of recommendation of the Board to the Special Director, Incharge of Sanskrit Education, who in turn would seek approval of the State Government through the Principal Secretary of the Human Resources Department. Thereafter, the State Government must also take its final decision within a period of next three months so that a final order in respect of all such schools is passed and communicated to all such schools/ person including the petitioners before the holding of the next year's Madhyama examination conducted by the Board.

4. It is however made clear that in the meantime the Board shall not allow students of any unrecognized Sanskrit School to appear in its Examination. With the aforementioned observations and directions, all of these writ applications are disposed of.