

**(2009) 07 PAT CK 0077**  
**In the Patna High Court**  
**Case No : LPA No. 797 of 2009**

Girja Devi

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

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**Date of Decision :** 10-07-2009

**Acts Referred:**

**Citation :** (2009) 4 PLJR 170

**Hon'ble Judges :** Shiva Kirti Singh, Acting C.J.; Anjana Prakash, J

**Bench :** Division Bench

**Advocate :** Awadhesh Kumar Sinha, Krishna Murari and Harish Kumar, for the Appellant;

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## Judgement

1. Heard the parties. We have perused the counter affidavit filed on behalf of State sworn by the Principal Secretary, Human Resources Development Department, Government of Bihar as well as the counter affidavit filed on behalf of Respondents No. 4 and 5 sworn by Secretary, Bihar Sanskrit Shiksha Board.
2. From the stand of the State, it is clear that students of unrecognized Sanskrit Schools are not permitted to take Madhyama examination being conducted by the Sanskrit Shiksha Board. On the other hand, the counter affidavit of Sanskrit Shiksha Board filed in context of our order dated 2.7.2009 highlighting contrary stand of Board in different writ petitions, it has been virtually admitted that in the past years students of unrecognized schools have been permitted to take such examination and this year also no attempt was made to prefer any appeal etc. against various orders passed in some writ cases directing Sanskrit Shiksha Board to allow students of unrecognized schools to take the examinations.
3. In our view the stand of the State, prima facie, appears to be correct in law. Ultimately, the Sanskrit Shiksha Board has also taken same stand in its counter affidavit but it has chosen not to prefer appeal against some orders passed in writ cases in respect of the examination of 2009 which is scheduled to commence from 21st of July, 2009.

4. To what extent the Sanskrit Shiksha Board is itself guilty in flouting the law by allowing students of unrecognized schools to take examination in the past years and also in accepting orders passed in some writ cases to that effect without preferring appeals, should be considered by the highest authorities in the State Government in the concerned department and after proper enquiry corrective actions should be taken in the matter so that the Board acts in accordance with law and takes only proper and justified stand in the writ petitions coming to this Court.

5. Only in order to maintain equality and parity between the appellants and some others who have been allowed to take examination although their institutions were not recognized, an interim order is passed to direct the Sanskrit Shiksha Board to permit the otherwise eligible students of the concerned batch of petitioner-institution to take the examination in question but it is made clear that such students will take the examination at their own risk because result of such students shall not be published until further order of this Court. In order to maintain equality and parity, Sanskrit Shiksha Board shall take steps and publish a notice in the newspaper that the students of unrecognized schools will take the examination upon a clear understanding that their results shall not be published until further order of this Court in this matter.

6. Learned counsel for the Sanskrit Shiksha Board submits that the concerned students will be permitted to appear at the examination only if they file the requisite fees and forms by 14th of July, 2009.

7. We find the said stand to be fair. In order to take advantage of this interim order, the students of this appellant-Institution must submit forms and fees by the 14th of July, 2009 and in that event only they would be permitted to appear in the examination. Public notice regarding non-publication of the result of students of the unrecognized schools until further order of this Court should be published in some of the prominent local newspapers of the State before commencement of the examination.

8. Let a copy of this order be handed over to learned counsel for the Sanskrit Shiksha Board as well as learned counsel for the State for compliance. It appears that pursuant to order of the writ court the matter of granting recognition to the various applicant-Institutions is required to be finalized within a fixed period. That matter may also have some bearing upon the final order to be passed in this case. Hence, let this case be listed under the same heading after three months. Parties shall file further counter affidavit to disclose whether applications pending for recognition have been considered in accordance with law or not by the next date. The State should also place the result of its enquiry by the next date.