

(2005) 03 PAT CK 0028
In the Patna High Court
Case No : CWJC No. 7320 of 2000

Sital Prasad Mandal and Another	Vs	APPELLANT
State of Bihar and Others		RESPONDENT

Date of Decision : 02-03-2005

Acts Referred:

Bihar Non-Government Secondary Schools (Taking Over of Management and Control) Act, 1981 — Section 3(3)

Citation : (2005) 2 PLJR 371

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Bipin Kumar Singh, for the Appellant;

Final Decision : Dismissed

Judgement

Narayan Roy, J.—Heard counsel for the parties. The petitioners seek direction upon the respondents to take over the management and control of proposed High School, Gamharia in the District of Madhepura in terms of section 3(3) of the Bihar Non-Government Secondary Schools (Taking Over of Management and Control) Act, 1981 (hereinafter to be referred to as "Act").

2. It is submitted by Learned Counsel for the petitioners that earlier the petitioners had moved this Court for the same self relief in C.W.J.C. No. 2510 of 1987, which was disposed of on 7.8.1987 with a direction to the respondents to take appropriate decision in the matter, but, somehow or the other, the matter remained pending before the respondents and assurances were given to the petitioners that inspection etc. shall be done in due course, but nothing has been done till date. It is further submitted by Learned Counsel for the petitioners that the school has sufficient infra-structures and it fulfils all the requirements for its take over, but the authorities for the reasons best known to them, have not taken any decision in regard to take over of the school in question.

3. Learned Government Pleader No. I with reference to the counter affidavit

submitted that by virtue of the Cabinet decision taken in the year 1993 section 3(3) of the Act has been deleted and at present, there is no provision for take over of the management and control of any proposed secondary school.

4. Since section 3(3) of the Act has already been deleted, which envisages about take over of the proposed secondary school, in my opinion, no relief can be granted to the writ petitioners.

5. It is, accordingly, dismissed. No order as to costs.