

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24126 of 2013

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1. Satyendra Prasad Yadav S/O Late Chando Prasad Yadav R/O Tola-Kharhara, Village- Matao, P.S- Fatehpur, District- Gaya.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna.
2. The Principal Secretary Human Resources Department Government Of Bihar, Patna.
3. The Principal Secretary, Building Construction Department, Government Of Bihar, Patna.
4. The Principal Secretary, Department Of Revenue Government Of Bihar, Patna.
5. The Commissioner Magadh Division, Gaya.
6. The District Magistrate- Cum- Collector, Gaya.
7. The District Education Officer- Cum- District Programme Officer, Gaya.
8. The Additional Collector, Gaya.
9. The Senior Deputy Collector, District Revenue, Branch, Gaya.
10. The Deputy Collector, Land Reforms, Sadar, Gaya.
11. The Sub- Divisional Officer, Sadar, Gaya
12. The Block Development Officer, Fatehpur, District- Gaya
13. The Circle Officer, Tankuppa, Gaya.
14. The Panchayat Secretary, Mataso Panchayat, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Respondent/s : Mr. Jaishankar Barnwal

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CORAM: HONOURABLE MR. JUSTICE NAVIN SINHA
and
HONOURABLE MR. JUSTICE SHAILESH KUMAR SINHA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVIN SINHA)

2 24-12-2013 Heard learned counsel for the petitioner and the State.

The location of a school at one place or another is primarily an executive matter. The authorities in our opinion are best suited to decide the location keeping in mind all

aspects of the matter. We, under Article-226, consider ourselves hardly competent to perform that role of the Executive, if at all we can.

In (2001) 10 SCC 75 (RAJ SHIKSHAN PRASARAK MANDAL Versus STATE OF MAHARASHTRA AND OTHERS) it has been held that the location of a school is not the purview of the Courts unless there are any allegations for violation of any statutory rules and regulations. Presently no such case is made out. There are adequate provisions with regard to the jurisdiction for establishment of Primary Schools under the Panchayat Raj Act, 2006. No submissions in that regard have been made before us.

We are not persuaded to entertain this Public Interest Litigation with regard to the preferred location for establishment of a primary school. The petitioner may pursue such remedies as he may be advised.

The application is dismissed.

(Navin Sinha, J)

(Shailesh Kumar Sinha, J)

K.C.jha/-