

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.681 of 2013**

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1. Ajay Kumar Tiwary Son Of Sri Jagbali Tiwary Resident Of Village & P.O. Nihalpur, P.S. Sikraul, District Buxar
  2. Sri Bhagwan Gupta Son Of Sri Gauri Shankar Gupta Resident Of Village & P.O. Nihalpur, P.S. Sikraul, District Buxar

.... .... Petitioner/s

Versus

1. The State Of Bihar
2. The Director Primary Education, Bihar, Patna Vikash Bhawan, New Secretariate, Patna
3. The Secretary, Primary Education, Government Of Bihar, Patna
4. District Magistrate, Buxar
5. Deputy Development Commissioner, Buxar
6. The District Superintendent Of Education, Buxar
7. The Sub Divisional Officer, Buxar, District Buxar
8. Block Development Officer, Itarhi Block, District Buxar
9. The Secretary, Vidyalaya Shiksha Samiti, Primary School, Nihalpur, Dist. Buxar
10. Anchal Adhikari, Itarhi, P.S. Sikraul, Dist. Buxar
11. Sri Name Not Known, Panchayat Sevak, Gram Panchayat, Abhikarta Of The Scheme

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rewti Kant Raman  
For the Respondent/s : Mr. Rajesh Kumar Sinha, AC to GP-25  
For Intervener : Mr. Parijat Sourav & Mr. Ram Binod Singh

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)**

**Date: 26-11-2015**

In the present proceeding in the nature of public interest litigation, the petitioners seek direction from this Court to the respondents to construct the Primary School buildings at Nihalpur over Plot No. 203, appertaining to Khata No.27 of Village Nihalpur (area 9 decimal).

2. The grievance of the petitioners is that despite the fact that

sufficient land has been donated to the State of Bihar for construction of the said school at the particular plot, the respondents are getting constructed High School building Kilometres away in the village Koresar where there is no sufficient land for construction of the school building.

3. A counter affidavit has been filed on behalf of the respondents, stating therein that said school building had also been constructed in Village Koresar, which fact is being disputed by the petitioners.

4. In our considered view decision, as to where the school building is required to be located which is most suitable in the public interest is purely administrative in nature. Further, the disputed question of facts are also involved in the present writ application inasmuch as on the one hand, it is the plea of the respondents that the school building at different place has already been constructed, whereas the petitioners are disputing the said fact.

5. In view of the circumstances as noted above, we do not intend to interfere in the present writ proceeding. This application is accordingly dismissed.

It goes without saying that the petitioners shall have the liberty to take recourse to appropriate provisions of law as may be found available to them.

**(I. A. Ansari, ACJ)**

**(Chakradhari Sharan Singh, J)**

ArunKumar/-

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