

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2892 of 2015

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1. Usha Devi W/o Satish Singh Resident of Village- Gauharpur , P.S. -
Didarganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate , Patna.
2. The Sub- Divisional Officer, Patna City.
3. The District Education Officer , Patna.
4. The Block Education Officer, Patna Sadar, Patna.
5. The Office In-charge Didarganj, Patna City.
6. The In-charge Head Master, Government Middle School Gautarpur,
Patna Sadar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha

For the Respondent/s : Mr. Sc29- R.R.K. Pandey

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 13-08-2015

Heard.

The writ petitioner is the Secretary of the School Education Committee (for short 'the Committee') as provided under Section 7 of the Bihar Elementary School Education Committee Act, 2011 (for short 'the Act'). Section 10 thereof provide function and duties of the Committee. Counsel for the petitioner has drawn the attention of the Court to Clause -(iii) of Section 10 of the Act which provide that the Committee shall be responsible for smooth functioning of the school, construction of the building and the Mid Day Meal served to the students on rolls under different schemes/programme of the Government. The

grievance with which the present application has been filed is reflected from Annexure-5 which is a representation filed by the Chairman and other members of the Committee depicting the arbitrary action of the Headmaster obstructing smooth functioning of the school.

Contention of the petitioner is that the Mid Day Meal and other schemes of the Government are not being properly implemented by the Headmaster although the fund allotted to the school in this regard is to be operated and managed jointly by the Headmaster and the Secretary of the Committee. It would not be proper for this Court to adjudicate on such dispute. Such grievance should be raised before the District Programme Officer for consideration who is responsible for the smooth functioning of the school as also for implementation of different benevolent schemes sponsored by the Government. The petitioner, however, has submitted that the grievance as raised in this application may be directed to be considered by the District Magistrate of the District before whom few representation have also been filed.

Taking into account the submission of the parties, the writ application is disposed of by permitting the petitioner to file a fresh application depicting these illegalities /irregularities being committed in the administration of school. If any such application

is filed within 03 weeks , the District Magistrate shall consider the same either himself or cause to be considered by the appropriate/competent authority for its expeditious disposal in accordance with law.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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