

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5023 of 2015

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Vijay Kumar, S/o Ram Nath Rai, Resident of village – Bajarhiya, P.O. Sadhawara, P.S. Ishuapur, District - Saran – Chapra.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Human Resources Development, Bihar, Patna
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The District Magistrate, Saran - Chapra
4. The District Education Officer, Saran - Chapra
5. The Block Education Extension Officer, Ishuapur, Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate

Mr. Rananjay Kumar, Advocate

For the Respondent/s : Mr. Ashok Kumar Keshari, AAG-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 29-06-2015

The petitioner claims to be a native of Bajarahiya village of Saran District. He submits that there is no regular school in the village, and in the year 2010 when the District Magistrate visited the village, a step was taken on 02.07.2010 to establish a school, and in fact two teachers named therein were also deputed. He further contends that one of the villagers, by name Binod Rai, donated an extent of 4 kathas of land to construct a school. His grievance is that despite this, steps are being taken to construct a school elsewhere to the detriment of the villagers.

Heard Sri Alok Ranjan, learned counsel for the

petitioner and Sri Ashok Kumar Keshari, learned Additional Advocate General-11 for the respondents.

Though the writ petition is filed by way of public interest litigation, we find it difficult to entertain the same at this stage. The question is as to whether any sanction was accorded for establishment of the school and if so, details thereof are not before this Court. It is only when proper sanction is accorded by the competent authority in the education department that a school can be brought into existence.

We, therefore, dispose of the writ petition leaving it open to the petitioner to submit a representation to the authorities of the education department in the district as well as to the District Magistrate, who, in turn, shall take appropriate decision in this behalf.

Interlocutory application, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Sudhir Singh, J)

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