

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1347 of 2012

IN

Civil Writ Jurisdiction Case No. 11411 of 2012

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Shyam Sunder Singh, S/O Late Keshwar Singh @ Kishori Singh, R/O Village-Samai, P.O.- Khalsha Dhibri, Via-Kadirganj, P.S.- Mufassil, Anchal and District-Nawada, at Present Posting and Working as Headmaster in Government Middle School, Sikandra, P.O.-Khalsha Dhibri, Via-Kadirganj, P.S.- Mufassil, Anchal and District- Nawada (Bihar)

.... Petitioner/Appellant.

Versus

1. The State of Bihar.
2. The Commissioner-Cum-Secretary to The Education Department, Vikas Bhavan, Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Vikas Bhavan, Bihar, Patna.
4. The District Education Officer, Nawada.
5. The District Programme Officer (Primary Education), Nawada.

.... Respondents/Respondents.

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Appearance :

For the Appellant : M/s. Tej Bahadur Singh, Senior Advocate & Brisketu Sharan Pandey, Advocate.

For the State : Mr. Nirbhay Kumar Singh, GP-26.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 10-07-2015

The appellant, professing to be Incharge of alleged Middle School, Sikandra, District-Nawada, had come to this Court praying for a direction to the State to fund the school and pay the salary to the teaching staff. The plea was that this was a singular school in Sikandra.

2. Learned Single Judge having noticed the contentions,

as of today, pertaining to litigation was not inclined to entertain the writ petition and dismissed the same accordingly. Hence, this appeal.

3. This Court, while entertaining the appeal, passed a detailed order, directing the State to file a comprehensive counter affidavit. Two counter affidavits have been filed; one by respondent no.3, the Director, Primary Education and the other by respondent nos.4 and 5, the District Education Officer and the District Programme Officer respectively and in both the counter affidavits, apart from others, the stand is clear that after a conscious decision, the Government in the Human Resources Department rejected the plea of taking over all the schools under Memo No.2204 dated 21.09.1992. There were several unsuccessful litigations. Therefore, that being the position, this Court is unable to interfere in the matter or entertain this appeal.

4. There being no reason for interference in the order of the learned Single Judge, this appeal is also dismissed.

(Navaniti Prasad Singh, J)

(Rajendra Kumar Mishra, J)

P.S./-Bhardwaj

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