

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20959 of 2013

1. Hare Krishna Prasad S/O Late Sharat Chandra Prasad Secretary Sri Naunihal Singh Harijan Awasiya Middle School, Koili, Resident Of Village Dorpur, P.O. Dorpur, P.S. Nanpur, District Sitamarhi.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Education, Government Of Bihar, Patna.
2. The Director, Primary Education, Department Of Education, Government Of Bihar, Patna.
3. The Deputy Director, Primary Education, Department Of Education, Government Of Bihar, Patna.
4. The Regional Deputy Director, Primary Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer (The Then District Superintendent Of Education), Sitamarhi.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate.
For the State Mr. Sanjay Pandey, G.P.-21
Mr. Vivek Anand Amritesh A.C. to G.P.-21

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

3 07-09-2015 Petitioner has filed the writ application with direction upon the respondents - State authorities to take over the school in question, for which the several representations also have been filed supported by some public representatives as well. It is non -decision or inaction on the part of the respondent-authorities, which has compelled him to approach the High Court for a direction.

The state in its counter affidavit has taken stand that in the

year 1993 itself vide notification contained in memo No. 2267 dated 23.08.1993, a policy decision was taken not to take over any more schools. A copy of the notification i.e. Annexure-8 is annexed to the counter affidavit.

The above notification was challenged before the High Court before a learned Single Judge and then the matter travelled in Appeal in LPA No. 565/2013 along with yet other analogous cases, which came to be heard and dismissed on 25.10.2013 after upholding the order of the learned Single Judge. The basic principal laid down therein is that these are matters of policy which is required to be decided by the State and the Court will not pass any direction for take over of the school in question, right for the year 1993.

The Division Bench decision, contained in Annexure-B seems to be a complete answer to the prayer of the petitioner.

In view of the same, the writ application is dismissed on the same rational and reasoning provided by the Division Bench.

(Ajay Kumar Tripathi, J)

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