

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15432 of 2016

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Badri Nath Dubey, Son of Sri Gupteshwar Dubey, resident of village + Post
-Salempur, P.S.- Ara Muffasil, District- Bhojpur (Ara)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal Secretary, Education Department, Govt. of Bihar, Patna
4. The State Project Director, Bihar Education Project Council, Shiksha Bhawan, Patna- 4
5. The Director (Primary Education), Government of Bihar, Patna
6. The District Collector, Bhojpur at Ara
7. The District Education Officer, Bhojpur at Ara
8. The District Programme Officer, Primary Education and Sarva Shiksha Abhiyan, Bihar Education Project, Bhojpur at Ara
9. The District Programme officer (Establishment), Bhojpur at Ara

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra, Advocate

For the Respondent/s : Mr. Prabhat Ranjan Singh, A.C. to AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-09-2016 Heard Mr. Maya Shankar Mishra, learned Counsel, appearing for the petitioner, and Mr. Prabhat Ranjan Singh, learned A.C. to AAG-15, appearing on behalf of the State-respondents.

Having regard to the fact that the petitioner alleges misappropriation of public fund in the construction of civil work in Primary/Middle Schools, in the district of Bhojpur, we are clearly of the view that such allegation can be looked into if

a *First Information Report* is lodged or a complaint case is instituted. Consequently, the extraordinary jurisdiction of this Court, under Article 226 of the Constitution of India, cannot be invoked, in the facts and attending circumstances of the present case,

In view of the above and in the interest of justice, while closing this writ petition, we make it clear that the petitioner may, if so advised, lodge a *First Information Report* with jurisdictional Police Station or institute a complaint case in a criminal Court of competent jurisdiction.

If a *First Information Report* is lodged or a complaint is filed, the same shall be dealt with expeditiously, in accordance with law.

With the above observation, this writ petition stands disposed of.

(I.A. Ansari,CJ)

(Anjana Mishra, J)

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