

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6910 of 2015

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1. Jaishul Khatoon W/o Israil Ansari R/o Village- Pipra Khurd, Ward No. 6,
P.S.- Parihar, P.O.- sardal Patti, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The District Education officer, Sitamarhi.
5. The Deputy Collector Land Reforms, Sitamarhi (Sadar).
6. The District Programme Officer (Sarva Shiksha Abhiyan), Sitamarhi.
7. The Block Education Officer, Block- Parihar, District- Sitamarhi.
8. The Circle Officer, Parihar, District- Sitamarhi.
9. The Mukhiya, Gram Panchayat raj- Pipra Bishanpur, Block- Parihar, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate

For the Respondent/s : Mr. Prashant Kumar, AC to SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 27-09-2016 Heard Mr. Rajeev Kumar Singh, learned Counsel for the petitioner, and Mr. Prashant Kumar, learned AC to SC 11, appearing for the respondents.

With the help of this writ petition, made under Article 226 of the Constitution of India, in the form of Public Interest Litigation, the petitioner seeks quashing of the Memo No. 367, dated 26.02.2015, issued by respondent No.6, namely, District Program Officer, Sitamarhi, whereby the application filed by a

group of persons was rejected saying that the school building will, now, be constructed on the land, which had been donated, on 20.04.2012, by one of the villagers for the purpose of construction of the school.

Having perused the writ petition, materials on record and after hearing learned Counsel for the parties concerned, we are of the view that it is not for the Court to decide as to where the School Building shall be constructed inasmuch as it would be, primarily, for the authorities concerned to decide the proper place for construction of the building.

While, therefore, closing this writ petition, we give liberty to the petitioner to take recourse to such provision of law as may be permissible including institution of appropriate suit in a Civil Court of competent jurisdiction for the remedy of his grievances.

In view of the above and in the interest of justice, this writ petition is disposed of with liberty aforementioned.

(I.A. Ansari,CJ)

(Dr. Ravi Ranjan, J)

A.I./-

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