

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17298 of 2013

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1. Gopal Chaudhary Son Of Late Shiv Nandan Chaudhary At Present President Of Tadarth Samiti Of Primary School, Sharma Tola, Bisunpur, Banmankhi, Resident Of Mohalla Ward No.17, Banmankhi, P.S. Banmankhi, District – Purnea.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Superintendent of Education, Purnea
3. The District Education Officer, Purnea
4. The Block Education Officer, Banmankhi
5. Madhu Gupta Wife Of Pradeep Gupta, The Principal, Newly Constructed Primary School, Sharma Tola, Bishanpurdutt, P.S. Banmankhi, Distt. - Purnea
6. The Executive Officer, Nagar Panchayat, Banmankhi Cum Member Secretary, Teacher Recruitment Committee, Nagar Panchayat, Banmankhi, Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Respondent/s : Mr. Rakesh Kr Samrendra

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 17-05-2016 Heard Mr. Anand counsel for the petitioner and the State.

The petitioner is elected Ward Member of Ward no. 14 (now Ward no. 17) of Nagar Panchayat, Banmankhi. On his initiative, it is stated that two schools were sanctioned in Ward no. 17 by the respondent- District Education Officer vide Annexure-2 to be constructed in Sharma Tola, Bishanpurdutt. The grievance projected through this application is that the Headmaster of the School has constructed the School(s) beyond the territorial jurisdiction of Ward No. 17. In other words, not in Sharma Tola, Bishanpurdutt but at some other place. Even the

Chief Executive Officer of the Nagar Parishad vide order dated 7.6.2013 (Annexure-7) as well as the Block Education Extension Officer requested the District Education Officer as well as the Headmaster of the School not to proceed with the construction but no heed was paid. One thing is apparent from the pleadings on record and after considering the submissions made on behalf of the petitioner that the respondents have taken note of the objection of the petitioner and diverse communications have been made in this regard. The petitioner shall be well-advised to raise this issue before the Nagar Panchayat or the District Magistrate as the case may be. The Court shall not invoke its writ jurisdiction to implement the orders passed either by the Chief Executive Officer or the District Education Officer.

Counsel for the petitioner states that appropriate representation in this regard shall be filed before the respondent-District Magistrate. He is permitted to do so. If any such representation is filed, the same shall receive due consideration and disposal by the concerned respondent in accordance with law.

(Kishore Kumar Mandal, J)

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