

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20520 of 2014

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Vidya Prasad Yadav, son of Late Shanker Prasad Yadav, Resident of village-
Fulwaria, P.S. – Maker, District – Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna
2. The District Primary Education, Government of Bihar, Patna
3. The Commissioner, Saran Division, Saran at Chapra
4. The Regional Deputy Director, Saran Division, Saran at Chapra
5. The District Magistrate, Saran at Chapra
6. The District Employee Officer, Saran at Chapra
7. The District Programme Officer, Primary Education and Sarb Siksha Abhiyan, Saran at Chapra
8. The District Superintendent of Education, Saran
9. The Block Development Officer, Block Maker, Saran at Chapra
10. The Block Education Extension Officer Maker Saran at Chapra
11. The Secretary, Vidyalaya Siksha Samittee, Primary School Kapsahar (Hindi)
12. The Head Master, Primary School Kapsahar (Hindi), Panchayat Fulwarai Block Maker, District – Saran at Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kumari
Mr. Birendra Pandey
For the Respondent/s : Mr. GA9- Anil Kumar Sinha
Mr. Shakib Ayaz
For the Respondent 11 and 12: Mr. Umesh Kumar Mishra

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 04-02-2016

Heard learned counsel for the parties.

Writ application is dismissed on the sole ground that the Court will not exercise its extraordinary jurisdiction and discretion with regard to where a school is required to be located in a Panchayat.

The counter affidavit of the State based on enquiry conducted locally indicates that yet another institution is claiming a

right for construction of new building and the official records do not indicate any status or recognition and there are two different institutions, which are working. The school, which is required to be developed, is known as Primary School Kapsahar (Hindi), whereas through the present writ application effort is on to get the developmental work shifted to what is known as Bal Kanya Prathamik Vidyalaya Tole Kapsahar, which are two different identities.

Petitioner either approaches the local authorities in this regard for such a prayer or he may file a suit before a civil court of competent jurisdiction for appropriate declaration in this regard.

Writ application is otherwise dismissed.

(Ajay Kumar Tripathi, J)

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