

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19530 of 2015

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Haldhar Prasad Singh, Son of Late Balmiki Prasad Singh, resident
of Mansherpur, Police Station-Balia, District-Begusarai.

.... Petitioner

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Education Department, Government of Bihar, (Bikas Bhawan), New Secretariat, Patna.
4. The Principal Secretary, Education Department, Government of Bihar (Bihar Bhawan), New Secretariat, Patna.
5. The Secretary, Primary Education-cum-Director, Bihar State Education Project Council, Government of Bihar (Bikas Bhawan), New Secretariat, Patna.
6. The Director, Panchayati Raj Department, Government of Bihar (Bikas Bhawan), New Secretariat, Patna.
7. The District Magistrate, Begusarai.
8. The District Education Officer, Begusarai.
9. The Sub-Divisional Officer, Balia, District-Begusarai.
10. The Block Development Officer, Balia, District-Begusarai.
11. The Circle Officer, Balia, District-Begusarai.
12. The Block Education Extension Officer, Balia, District-Begusarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Niranjana Kumar, Advocate
For the Respondents : Mr. Ashok Kumar Keshri, AAG-11
Mr. Shilpi Keshri, AC to AAG-11

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 25-01-2016

Heard Mr. Niranjana Kumar, learned Counsel, appearing on behalf of the petitioner, and Mr. Ashok Kumar Keshri, learned Additional Advocate General No.11, appearing on behalf of the respondents-State of Bihar.

2. This application, made under Article 226 of the Constitution of India, in the shape of Public Interest Litigation, seeking a direction to the respondents to construct the building of Kasturba Gandhi Balika Vidyalaya, at Balia Headquarter, upon Khata No.2040, Khesra No.3782, which, according to the petitioner, was donated by private persons to the State Government, this Public Interest Litigation seeks a direction to restraining the respondents from constructing the said building at Government Middle School, Mansherpur, Balia, Begusarai.

3. In our considered view, it is purely an executive decision as to where a school building is required to be constructed. This Court does not find it to be a fit case for issuance of a direction, as sought for by the petitioner, in a

Public Interest Litigation.

4. In the facts and circumstances, however, we direct the District Magistrate, Begusarai, to consider the issues raised by the petitioner in the present Public Interest Litigation if he files a representation before him within a period of two weeks from today and take a decision, in this regard, within a period of four weeks thereafter.

5. This application stands disposed of accordingly.

6. We make it clear that we have not gone into the merits of the claim of the petitioner for construction of school building over a particular piece of land and the District Magistrate shall be free to take a decision, in this regard, depending upon local requirements and other relevant considerations.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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