

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.994 of 2011

IN

Civil Writ Jurisdiction Case No. 4203 of 2007

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1. Brahmanand Singh, Late Harballav Singh, Village Ambara, P.S. Farbishganj, Dist. Araria.
 2. Kumud Nandan, son of Satyadeo Narayan, Mohalla Garikhana Khagaul, P.S. Khagaul, Dist. Patna.
 3. Rosan Kumar, son of Prayag Lal, Mohalla Garikhana Khagaul, P.S. Khagaul, Dist. Patna.

.... Appellants

Versus

1. The State of Bihar
2. The Commissioner cum Secretary Human Resources Development Department Govt. of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Human Resources Development Department Govt. of Bihar, New Secretariat, Patna.
4. The Deputy Director, Primary Education, Human Resources Development Department Govt. Of Bihar, New Secretariat, Patna.
5. The Chairman Secretary Common School System Commission, 37 B.C.I.D.C. Colony Rameshwar Dayal Path Opp. A.N. College, Patna 13.

.... Respondents

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Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. Ajay Kumar AC to AAG-8

Mr. Vikash Jha, AC to AAG-8

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 12-02-2016

Yesterday also no one was present on behalf of the appellant to press this appeal. Today, in spite of repeated calls, no one is present. Learned counsel for the State is present.

We have gone through the order under appeal and see no reason to interfere under the Take Over Act. There is no obligation on the part of the government to take over any school. Government has to take a decision after considering various aspects. As the learned Single Judge has noticed that indeed the government considered various aspects in relation to the schools, on behalf of which, the writ petition was filed, but subsequently government took a conscious decision not to take over the schools in question. In such a situation no such mandamus can be issued. The writ petition was rightly dismissed. We dismissed the appeal, accordingly.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/N.A.F.R.

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