

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9642 of 2015

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1. Hari Kishore Pandit Son of Late Brij Bihari Pandit, resident of village
and P.O.- Karhi, P.S. Baniyapur, Dist. Saran at Chapra.... Petitioner
Versus
1. The State of Bihar.
2. The Principal Secretary, Human Resource Department, Government of
Bihar, Patna.
3. The Director Primary Education Government of Bihar, Patna.
4. The Collector, Saran at Chapra.
5. The District Education Officer, Saran at Chapra.
6. The District Programme Officer, Saran, at Chapra.
7. Shatrughan Prasad Singh, Son of not known, resident of village-
Sheikhpura, P.S.- Baniapur, District- Saran at Chapra.
.... Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Satyendra Kumar Singh, Advocate
Mr. Jitendra Kumar, Advocate
Mr. Harishankar Roy, Advocate
For the Respondent/s : Mr. Ashok Kumar Keshri, AAG XI

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 19-01-2016 Heard Mr. Satyendra Kumar Singh, learned counsel for

the petitioner, and Mr. Ashok Kumar Keshri, learned Additional

Advocate General No. XI, appearing for the respondents.

This petition, which has been made under Article 226
of the Constitution of India, alleges that the construction of
building for upgraded 10+2 School of village Karnhi, P.S.
Banipur, District Saran, is not at all satisfactory inasmuch as
sub-standard materials have been used.

As against allegations so made by the petitioner, the
State-respondents have filed their counter affidavit, wherein they

have averred that in response to complaints, dated 03.09.2014, 27.06.2014 and 04.06.2015 (Annexures-1, 2 and 4 to the writ application), the D.C.L.R., Sadar, Chapra, and the Executive Engineer, Local Area Engineering Organization, Chapra, conducted an enquiry on 06.08.2015, relating to the construction work of the said school building of village Karahi and, upon verifying/examining the used materials and ongoing construction work, found the same satisfactory and, thereafter, submitted their joint report, vide Letter No. 41, dated 08.08.2015, accordingly.

We are of the view that a proceeding, under Article 226 of the Constitution of India, is not an appropriate proceeding for the purpose of determining the truth or veracity of the allegations, which have been made by the petitioner.

In view of the above and in the interest of justice, we close this proceeding leaving the petitioner at liberty to take recourse to appropriate provisions of law, if so advised, including filing of *First Information Report*.

With the above observations, this writ application shall stand disposed of.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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