

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.3324 of 2017**

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Ram Julum Rai, Son of Late Lakhan Rai, resident of village - Jatmalpur Dhab, P.S. Kalyanpur, District - Samastipur, PIN 847301.

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Regional Dy. Director, Education Govt. of Bihar, Darbhanga.
4. The District Education Officer, Samastipur.
5. The District Magistrate, Samastipur.
6. The District Programme Officer, Primary Education, Samastipur.
7. The Block Education officer, Kalyanpur, Samastipur.
8. The Circle Officer, Kalyanpur, District – Samastipur.
9. The Officer Incharge of the Kalyanpur Police Station, District Samastipur .
10. The Head Master, Prathmik Vidyalaya, Vill - Jatmalpur Dhab, Kahartoli, P.S. Kalyanpur, District – Samastipur.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Prakash Chandra Jha  
For the Respondents : Mr. Sunil Kumar, A.C. to G.A. 12.

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**  
**Date: 26-04-2017**

The petitioner has filed this petition in public interest and it is the grievance of the petitioner that in accordance to law an order was passed by the Competent Authority sanctioning and permitting the construction of school building, namely, Prathmik Vidyalay at village-Jatmalpur Dhab, Kahar Toli, P.S.-Kalyanpur, District-Samastipur. For the said purpose, even the first instalment of the fund



amounting to Rs. 9,40,000/- was sanctioned by Bihar Siksha Pariyojna and the land for construction of the school building was already available and construction of the school building was to be commenced when in an illegal manner, certain anti social elements with vested interest started obstructing to the construction as a result of which, the school building could not be constructed. It is stated that within a radius of 5 K.M. of the area, there is no school building and the school building is being constructed in public interest. Therefore, the act of the vested interest in obstructing the construction of the school building is creating hurdle. That apart, it seems that when the construction of the school building was not completed in time, then a petition has been filed.

On notice being issued, the respondent no. 6, the District Programme Officer, Primary Education, Samastipur, has filed a counter affidavit and from the averments made in the counter affidavit particularly averments from paragraph no. 14, it is seen that the authorities are taking steps for construction of the school building but due to intervention of certain anti social elements, protection and safety measure was requested for by the Circle Officer, Kalyanpur from the Sub Divisional Officer, Samastipur, and in this regard, various letters have been written by the Circle Officer, Kalyanpur to the Sub Divisional Officer, Samastipur, as are detailed in paragraph



no. 14 of the counter affidavit, accordingly, contending that adequate police security is not provided as result of which, anti social elements are making hurdle in construction of the school building. The respondents indicate helplessness in the matter with regard to construction of the school building. It is said that they are ready to carry out construction, provided adequate safety measures are taken which are mentioned above.

We are of the considered view, once the funds for construction were allotted, the respondents should have constructed the school building and when the authorities who have no reservation for making the construction, anti social element cannot come in the way of construction of school building. Accordingly, this petition is disposed of with the following directions:

On the filing of a certified copy of this order alongwith relevant documents, the respondent no. 5, the District Magistrate of the concerned area, shall take steps for providing adequate security to the departmental authorities and the persons who are to carry out the construction of the school building and not to allow the anti social elements to create any hindrance. If the anti social elements create hindrance in the matter, the District Magistrate shall intervene with the help of the police authorities and take action against such persons who are creating hindrance and to proceed in accordance to law. The



District Magistrate shall submit a report with regard to action taken by him before the Registrar General within a period of three months.

With the aforesaid, the petition is disposed of.

**(Rajendra Menon, CJ)**

**(Sudhir Singh, J)**

U.K./-

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