

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4083 of 2017

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Sahid Hussain, Son of Dil Muhamad Miya, resident of Village-Bara
Bariyarpur, P.S. Chhatauni, Motihari, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, East Champaran.
4. The District Education Officer, East Champaran.
5. The District Programme Officer (Establishment), East Champaran.
6. The Block Education Officer, Motihari, (Dehat) East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. Madanjeet Kumar, GP-20

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 02-05-2017

This application, under Article 226 of the Constitution of India, has been filed for restraining the respondents from shifting of New Primary School, Bara Bariyarpur Tali, under Ward No. 12, District-East Champaran, Motihari, to another place.



2. It is the case of the petitioner that the place to which the school, in question, is to be shifted is 3.5 kilometers away from the present school. It is also the case of the petitioner that the place, in question, where the said school is proposed to be shifted, is across National Highway and it will be inconvenient for the students, study in the said school, to go to new location. It has also been argued on behalf of the petitioner that the decision of the State-respondents, in shifting of the said school, is contrary to right, through Education Act, and the decision taken thereunder that there should be Primary School within the radius of 1 kilometer.

3. The question, as to where a school should be located, is primarily an executive decision. This Court does not have judicially determinable parameters to substitute the decision of the executive bodies, in this regard. No effective order, as sought for in the present writ application, can be made.

4. However, this application is disposed of with a direction to the District Magistrate, East Champaran, Motihari, to look into the grievance raised in the present application, treating the same as representation and take a decision within a period of one (1) month from the date of production/receipt of a copy of this order.



5. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04/05/17
Transmission Date	

