

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8377 of 2017

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Ashok Kumar Sah, Son of Ramashish Sah, Resident of Village-Sajraili, Post-Semapur, Police Station-Barari, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Human Resource Department, (Secondary Education), Bihar, Patna.
2. The Secretary, Bihar School Examination Board, Patna, Bihar.
3. The Director Secondary Education, Bihar, Patna.
4. The Regional Deputy Director, Purnea DiVision, Patna.
5. The District Magistrate, Katihar.
6. The District Education Officer, Katihar.
7. The Head Master, Munna Lal Sah, Harijan High School, Sakraili, Post-Semapur, Police Station-Barari, District-Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey-AAG 15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-07-2017

In this public interest litigation filed, prayer made is that respondent Nos. 1 to 3 be directed to take over Sri Manna Lal Sah Harijan High School and run it as a Government School else the School would be closed and the land of the school transferred to persons who may misuse the land for extraneous purpose.

It is stated that the school was established on the basis of donation of the land to the Government of Bihar by the original owner in the year 1982 and now there is a possibility of the school being closed and the land misused.

From the materials available on record it is seen that the



school is run by a trust which has issued a notice for closing of the school. If the trust is closing the school in question, it is not known as to on what basis a direction can be issued for taking over the school by the State Government and running it by the Government. The question with regard to taking over of the school management and running it as a Government School is a matter exclusively within the administrative domain of the State Government and this Court cannot issue any mandamus for taking over of the school. Annexure-3 to the writ petition, a public notice issued by the trust on 29.04.2017 goes to show that they are taking steps for closing of the school for various reasons that are indicated therein.

Keeping in view the facts and circumstances of the case, we are not inclined to interfere into the matter. The petition stands dismissed with liberty to the petitioner to take up the issue with the State Government on administrative side.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.08.2017
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