

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3783 of 2016

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Panchanand Yadav, son of Late Tunak Yadav, resident of village Banthi, Block
Dhoraiya, P.O. & P.S.- Dhoraiya, Distt. Banka

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Banka
2. The District Magistrate, Banka
3. The District Programme Officer, Banka
4. The District Education Officer, Banka
5. Block Education Officer, Dhoraiya, Banka
6. The Circle Officer, Dhoraiya, Banka
7. The Principal, Primary School Banthi at Banka

.... Respondent/s

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Appearance:

For the Petitioner/s : None.

For the Respondent/s : Mr. Pratik Sinha, AC to GA V and
Mr. Ajay, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-04-2017

Inter alia, contending that the school building proposed to be constructed for which necessary funds have been sanctioned and disbursed to the respondent no. 7 is not being utilized and the citizens of the villages are suffering due to non-construction of the school building, this petition has been filed in Public Interest and the direction sought for is that the school building be constructed as proposed and sanctioned.

2. On notice being issued, a Counter Affidavit has been filed by the respondent no. 3 and from the Counter Affidavit filed it is



seen that even though sanction was accorded and a sum of Rs. 11,70,000/- was sanctioned for construction of the school building, the site was also approved and a No Objection Certificate was obtained from the competent authority but immediately after the proposal for construction of the school building was undertaken, the villagers of the area started protesting against the site on which the construction was being made. Various agitations were held and for the reason the proposed site was on the bank of a river, it was said by the villagers that that it would submerge during the rainy season and the children of the area would be suffering if the school building is allowed to be constructed on the proposed site. It is stated that the work of the project was given up and the entire fund was refunded and now an alternate site is to be selected and approved for construction of the school building.

3. Keeping in view the aforesaid, for the present no further indulgence into the matter is called for. Once the decision for construction of the school building is given up and the school building is now proposed to be constructed at an alternate site, we direct the respondents no. 2 and 3 to take up the issue and after following due process as may be provided under the government instructions or regulations, identify the new site and take steps for construction of the school building in the interest of the villagers and to complete the



same in accordance to the requirements of rules and regulations within a period of six to nine months.

4. With the aforesaid, the Writ Petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Dilip, AR.

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

