

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10049 of 2017

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Bipin Mahto, son of Late Nathuni Mahto, Resident of Village- Fatehpur, Tole-
Lakshmipur, P.O.- Bhutahi, P.S.- Sonebarsa, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Sitamarhi, District- Sitamarhi.
5. The District Programme Officer (Establishment), Sitamarhi.
6. The Block Education Officer, Sonebarsa, District- Sitamarhi.
7. The Incharge Headmaster, Primary School, Laxmipur-2, Uttari Tole, Anchal-
Sonebarsa, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam, Adv.
For the Respondent/s : Mr. S.C. MISHRA- SC16
Mr. Madhukar Mishra, AC to SC-16

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

ORAL JUDGMENT

Date: 08-12-2017

Heard the parties.

An elementary school was established in Village –
Laxmipur, Uttari Tola under the scheme of “Sarva Siksha Abhiyan”
and Right to Free and Compulsory Education to the children by the
State Government in the year 2015. Several such schools were
established. Since the State Government could not get appropriate and
adequate land for the said school in Laxmipur, Uttari Tola, it decided
to merge the said school with Middle School Laxmipur-2.

The petitioner is aggrieved by the said decision of the State



Government to merge such schools which did not have the land and consequential order issued by the District Education Officer, Sitamarhi and subsequent communication by the Block Education Officer, Sonebarsa, Sitamarhi, in this regard which are dated 11.05.2017 and 16.05.2017 respectively.

It is the case of the petitioner that the local people had already arranged land and they were intending to transfer by way of gift, a piece of land sufficient for establishing the elementary school at Laxmipur, Uttari Tola which was within the knowledge of the District authorities. Further case of the petitioner is that because of certain formalities, the process of transfer of land through gift deed could not be completed, the decision of merger has been taken.

It is also the case of petitioner that now land for the said school has been made available and a gift deed in this regard has been executed for transfer of land in favour of the State Government.

Counter affidavit has been filed on behalf of the State/respondents bringing on record letter dated 08.08.2017 issued by the District Education Officer, Sitamarhi addressed to the Director, Primary Education Bihar with request to him to take appropriate decision in respect of such schools for whom the land has been made available, though after the decision of merger had already been taken.

In view of the averments made in the counter affidavit, I



dispose of this writ application with a direction to the Director, Primary Education, Government of Bihar to take a decision on the letter dated 08.08.2017 of the District Education Officer, Sitamarhi within a reasonable time preferably within a period of three months from the date of receipt/production of a copy of this order. While taking note of this decision, the Director, Primary Education, Government of Bihar shall keep in mind the fact that the land has been made available by the local people by way of gift for noble purpose which should be duly respected and honoured.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2017
Transmission Date	NA

