

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.703 of 2014

In

Civil Writ Jurisdiction Case No. 15456 of 2013

- =====
1. Managing Committee of Atma Samarpan Middle School Bhokraha, Block Kumarkhand, District- Madhepura, through the Secretary Ramesh Jha, son of late Raghunath Jha resident of village Sihpur, Police Station Kumarkhand, District- Madhepura

.... Appellant/s

Versus

1. The State of Bihar
2. Secretary, Department of Education, Government of Bihar, Patna
3. Secretary cum Commissioner, department of Welfare, Government of Bihar, Patna
4. Commissioner, Kosi Division, Saharsa
5. Director, Primary Education, Government of Bihar, Patna
6. District Magistrate, Madhepura
7. District Education Officer, Madhepura
8. District Programme Officer, Madhepura Establishment

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhay Kumar Jha
For the Respondent/s : Mr. Avinash Kumar

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 11-07-2017

Learned Writ Court on the principle that for taking over of a private Institute, no mandamus can be issues, has dismissed the writ petition.

In doing so, we are of the considered view, the learned Writ Court has not committed any error warranting re-consideration as we are of the considered view that no



mandamus of the nature as prayed for, for taking over of the Institute can be undertaken.

The appeal is, therefore, dismissed.

However, if the State Government, of its own, takes a decision to take over the Institute, this order shall not come in the way.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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