

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16002 of 2016

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1. Bidyanand Paswan, Son of Late Sardaru Paswan, resident of Village - Jahar Bigha, P.S. - Kako, District - Jehanabad.
 2. Somar Paswan, Son of Late Khiru Paswan, resident of Village - Jahar Bigha, P.S. - Kako, District - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department, Vikash Bhawan, Bailey Road, Patna.
2. Director Primary Education, Education Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
3. District Education Officer, Jehanabad.
4. District Magistrate, Jehanabad.
5. Circle Officer, Kako, Jehanabad.
6. District Programme Officer, Sarv Shiksha Abhiyan, Jehanabad.
7. Incharge Officer, District Revenue Section, Jehanabad.
8. Superintendent of Police, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kishore Kumar Thakur and Mr. Rajesh Kumar, Advocates
For the State	:	Mr. Lalit Kishore, PAAG-1 and Mr. Madhav Prasad Yadav, G.P. 23 Mr. Rajesh Kumar Sinha, A.C. to G.P. 23 Mr. Sanjay Kumar, A.C. to G.P. 23

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-02-2017

Heard learned counsel for the petitioners and the
State.

Pursuant to order dated 21.02.2017, the respondents
no. 1 to 7 are present in Court.

At the very outset, the Principal Secretary,
Department of Education submitted that the matter has been reviewed
at his level and after looking into the facts and circumstances of the



case and the ground reality, a conscious decision has been taken by the respondents that the school in question shall be constructed contiguous to the place from where it is currently running, on the 10 decimals of land to be donated by the petitioners and one Ambika Paswan, in terms of Annexure-3, which is the offer made by them in May, 2014.

The petitioners had moved the Court seeking such relief.

Though the role of the Court in such matters is limited with regard to the choice of place, but in the facts and circumstances of the case, the Court was constrained to call for the presence of the officers concerned as it appeared that at the grassroots level, the decision making process was not fair and transparent. However, in view of the respondents themselves now taking a well considered and conscious decision to construct the school in question on the land totalling 10 decimals to be donated by the petitioners and Ambika Paswan, the Court would only approve of such decision. The Principal Secretary has also assured the Court that the funds earmarked for the school shall be utilized for construction, which would be expedited.

In view thereof, nothing remains to be adjudicated in the present writ application and accordingly, the same stands



disposed off in terms of the submissions made by the Principal Secretary to the Court, as recorded above.

The personal appearance of the officers stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

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