

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1416 of 2018

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Tribhuwan Prakash Jalan son of Late Chhauthu Lal Jalan Resident of Gandhi Nagar, Khagaria, P.O. + P.S. & District - Khagaria, Secretary, New Holy Ganges Public School, Ganghi Nagar, Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Development Department, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Khagaria.
3. District Education Officer, Khagaria.
4. District Programme Officer, National Secondary Education Abhiyan, Khagaria.
5. District Public Grievance Redressal Officer, Khagaria.
6. Sri Amod Kumar Jha S/o Late Udit Narain Jha Resident of Gulab Nagar, Near Bazar Samiti, P.S. + District - Khagaria, Principal, New Holy Ganges Public School, Ganghi Nagar, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dronacharya
For the Respondent/s : Mr. Ashutosh Ranjan Pandey -AAG15

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 24-07-2018

The petitioner is aggrieved by an order dated 02.05.2017 issued by District Education Department, Khagaria, whereby he has re-constituted a Committee for the purpose of ascertaining the number of students, admitted in the New Holy Ganges Public School, against 25% quota prescribed for imparting 'free education' to the students at primary level. Earlier, the District Education Officer had constituted a Committee for the said purpose on 27.04.2017 with one Kumar Gyan Prakash as a representative of the Civil society. By subsequent impugned corrigendum dated 02.05.2017, in place of Mr. Gyan Prakash, one Ishwarchand Bhagat has been nominated as the representative of the Civil society.



Mr. Dronacharya, learned counsel appearing on behalf of the petitioner, has taken me to the order dated 20.03.2017, passed by the District Public Grievance Redressal Officer, Khagaria on an application filed on behalf of one Mukesh Kumar Patel, alleging that one Pramod Kumar was not given benefit of free education in the school, though he was entitled to such benefit under the Right to Education Act, 2009. While rejecting the case of said Mukesh Kumar Patel, the District Public Grievance Redressal Officer, Khagaria, directed the District Education Officer to conduct an enquiry as to how effectively the Right to Education Act, 2009, has been implemented in the concerned New Holy Ganges Public School and how many students have been admitted under 25% of quota for providing free education to them.

In order to carry out the said direction of the District Public Grievance Redressal Officer, the District Education Officer has constituted a Committee which, with the issuance of the corrigendum, has been modified.

Mr. Dronacharya submits that Mr. Iswarchand Bhagat ought not to have been made the member of the enquiry committee since he has been persuing the case of Pramod Kumar on behalf of Mukesh Kumar Patel in the proceeding before the District Public Grievance Redressal Officer, Khagaria and, therefore, he is an interested party.

The plea, which has been taken on behalf of the petitioner, is not convincing. Merely, because the said Ishwarchand Bhagat was advocating the cause of a child before the District Public Grievance Redressal Officer, it does not mean that he is an interested party. It is not the petitioner's case that Ishwarchand Bhagat has any personal grudge against the school or its management. Even a member of a Civil society can very well



plead the case of a member of weaker section of the society. I do not find any reason to interfere with the impugned corrigendum.

It will be open to the petitioner, however, to approach the District Public Grievance Redressal Officer, Khagaria, complaining against presence of said Ishwarchand Bhagat as Member of the enquiry Committe on the basis of cogent material, if any. If he does so, the District Public Grievance Redressal Officer, Khagaria, will look into the same and will be required to pass appropriate orders.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

Pawan-Ragini

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	26.07.2018
Transmission Date	N/A

