

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9401 of 2017

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Raghunath Sah, S/o Late Jangli Sah, Resident of Village -
Belahiya, Post - Belahiya, Police Station - Tariyani, District -
Sheohar, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. Divisional Commissioner, Primary Education Department, Government of Bihar, New Secretariat, Patna.
3. Director, Primary Education Department, New Secretariat, Patna.
4. Deputy Development Commissioner, Sheohar, Bihar.
5. District Magistrate, Sheohar, Bihar.
6. Regional Deputy Director, Primary Education Department, Government of Bihar, New Secretariat, Patna.
7. Block Development Officer, Tariyani.
8. District Education Officer, Sheohar, Bihar.
9. District Program Officer (Office of District Education Officer at Sheohar).
10. Block Education Development Officer, Tariyani, Sheohar, Bihar.
11. Circle Officer, Tariyani, Sheohar, Bihar.
12. Head Master, Primary School, Belahaiya, Gupta Tola, Tariyani, District - Sheohar, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra, Adv.
Mr. Ashok Kumar Singh, Adv.
For the State : Mr. Jitendra Kr. Roy-1, SC-13



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

ORAL JUDGMENT & ORDER

Date: 24-01-2018

Heard the parties.

2. The simple grievance which the petitioner has, in the present writ application, is that Primary School, Belahaiya, Gupta Tola, Block-Tariyani, in the district of Sheohar, has been merged with the Primary School, Gonour Rai Tola, which school is more than two kilometers away from the said Primary School, Belahaiya, Gupta Tola. The decision of merger of the school in question, according to the petitioner, is in teeth of the State Government's own policy, as contained in paragraph 2 of the notification, issued by the Education Department, Government of Bihar, dated 09.02.2017, which has been brought on record by way of Annexure-1 to this writ application.

3. From the said notification, dated 09.02.2017, it appears that the decision of merger of a school is to be taken when such school does not have sufficient infrastructure, in terms of the land, building etc. The petitioner does not dispute that the said school at Belahaiya, Gupta Tola, did not have adequate land and building. It is, however, the stand of the petitioner that he is ready to donate



to the State Government of Bihar sufficient land for construction of school building at Belahaiya, Gupta Tola. It is his case that he has approached the District Education Officer, Sheohar, also, in this regard, for donation of the land.

4. If it is the policy of the State Government that in the absence of insufficient land or infrastructure the school can be merged with any other school, the decision to merge the two schools, in the present case, cannot be faulted with. The plea that the school with which the Primary School, Belahaiya, Gupta Tola, has merged is more than two kilometers away from the place of its location, cannot amount to breach of scheme of the State Government, as has been relied on by the learned Counsel for the petitioner. The said notification itself reads that ordinarily a school, having no land and building, should be merged with a school having sufficient infrastructure, which is ordinarily not than one kilometer away.

5. However, since the petitioner is ready to donate the land for the purpose of constitution of building of school, in my view, the State-respondents must consider his case with all earnest. The petitioner seems to be eager to donate sufficient land, which is in public interest.

6. In that view of the matter, I dispose of this application with a direction that the petitioner should approach



the District Magistrate, Sheohar, with his request to accept donation of land with specific description of the land, within a period of one month from today, along with a copy of the present order. If the petitioner seeks personal interview with the District Magistrate, Sheohar, for the said purpose, the District Magistrate must give him audience.

7. I direct the District Magistrate, Sheohar, to take a decision in this regard or ensure that a decision is taken at appropriate level on the petitioner’s request for donation of land to the State Government of Bihar for the purpose of construction of school building, if the same is administratively feasible as is found to be in public interest.

8. This application is, accordingly, disposed of.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27/01/18
Transmission Date	N/A

