

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12251 of 2017

=====

Md. Isha, S/o Late Md. Akbar, Resident of Vill- Tar Tola Daseyabahi, P.S.-
Pipra, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Primary Education, Govt. of Bihar, Patna.
2. The Deputy Secretary, Department of Primary Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Supaul.
5. The District Education Officer, Supaul.
6. The D.P.R.O., Primary Education and Serve Siksha Abhiyan, Supaul.
7. The Block Education Officer, Pipra, Supaul.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan
For the Respondent/s : Mr. Smt. Binita Singh -SC-28

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-10-2018 Heard learned counsel for the parties.

2. The petitioner is resident of village-Tar Tola Daseyabahi, P.S. Pipra, in the district of Supaul. He has a grievance against the decision of shifting of a Primary School from the said Village to another School.

3. Learned counsel for the petitioner has contended that the decision of the respondents to shift the School is against the own policy of the State Government since there is no School within the radius of one kilometer from where the School was located. He has also submitted that land has been donated by a local resident through a registered deed of gift in favour of the



State of Bihar for the purpose of construction of the School building. My attention has also been drawn to the representation filed by the villagers to the District Education Officer, Supaul on 30.03.2017, to submit that till date no concrete decision has been taken thereafter.

4. This Court in a writ jurisdiction under Article 226 of the Constitution of India, cannot adjudicate upon the dispute as to location a School, which is primarily an executive function. At the same time, the Court is of the view that the District Education Officer ought to have taken decision on representation filed by the villagers in this regard, particularly in view of the fact that a villager has donated land for the purpose of construction of School building and other infrastructure.

5. In view of the above, this application is disposed of with a direction to the District Magistrate, Supaul to ensure that a decision is taken on the representation filed by the villagers of the said village to the District Education Officer, Supaul within two months from the date of receipt/production of a copy of this order, if no decision has been taken so far.

6. This disposes of the application.

arun/-

(Chakradhari Sharan Singh, J)

U			
---	--	--	--

