

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16095 of 2018

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Shyam Nandan Son of Narsingh Prasad Resident of Village- Dukha Tol, Post-
Maheshkhut, P.S. Gogari, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Munger Division, Munger, Bihar.
5. The District Magistrate, District of Khagaria, Khagaria, Bihar.
6. The District Education officer, Khagaria, Bihar.
7. The District Programme Officer, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar
For the Respondent/s : Mr. Jitendra Kr.Roy-1, SC-13
Bijay Bhushan Prasad, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-09-2018 Heard learned counsel for the parties.

The petitioner has a grievance that though he intends to donate two Katha (3802 square feet) of land situated at Station Road, Maheshkhut, bearing Khata No. 319, Khesra Nos. 322 and 323, Tauzi No. 1866, for the purpose of construction of a school building at primary level, the respondents, who are officials of the State Government of Bihar, are not accepting the said proposal.

It appears from the pleadings that the District Magistrate, Khagaria and Divisional Commissioner, Munger, have turned down the petitioner's proposal. The petitioner has



thereafter approached the Principal Secretary, Education Department, Government of Bihar, with this proposal, as noted above.

It is purely an executive function to decide as to which place is suitable for establishing a school. Whether the land which the petitioner intends to donate is adequate and appropriate for the purpose of construction of school building is a question, which can be considered and decided by the executive functionaries. Such dispute cannot be adjudicated in a proceeding under Article 226 of the Constitution of India in the absence of any judicially determinable parameter. No relief, which the petitioner is seeking in the present application, can be granted.

It will, however, be open to the Principal Secretary, Education Department, Government of Bihar, to consider the petitioner's proposal which is said to be pending.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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