

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8111 of 2017

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Santosh Kumar Chaubey, son of Shri Baijnath Chaubey, Resident of
Village, Baruna, P.S. Baruna, Post- Baruna, Distt. Buxar. Petitioner/s
Versus

1. The State of Bihar
 2. The Principal Secretary, Education, Government of Bihar, Patna.
 3. The District Magistrate, Buxar
 4. The District Education, Officer Buxar
 5. The District Programme Officer, Buxar
 6. The Block Education Officer, Buxar Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Sumant Kumar Singh
For the Respondent/s : Mr. A.R. Pandey- Aag15

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 19-01-2018 The petitioner is aggrieved by an order dated

16.03.2017 passed by the District Education Officer, Buxar
whereby, he has directed to merge Primary School, Garh Baruna
with another school on the ground that said Primary School, Garh
Baruna does not have the land on its own.

The grievance of the petitioner is that the said
Primary School, Garh Baruna is sought to be merged under the
decision of the Primary School, Garh Baruna, which is more than
one kilometer away from Primary School, Garh Baruna.

According to the learned counsel for the petitioner,
the said decision is in violation of the scheme of the State
Government as contained in notification dated 09.02.2017 which
has been brought on record by way of annexure-4.



The petitioner claims that he is the donor of the land for construction of building for Primary School, Garh Baruna and, therefore, he has a grievance that the said school is being shifted to another school on wrong ground that it does not have its own land.

Learned counsel for the petitioner has however, not drawn my attention to any provision which requires that such arrangement can be made only when a school located within the radius of one kilometer. The notification which has been brought on record and on which reliance has been placed does not specifically contemplate that a school having no land, can be merged to the school within the radius of one kilometer for the said land. The relief as sought in the present application cannot be granted.

However, since the petitioner has donated the land for the purpose of construction of school building, the Court directs the District Magistrate, Buxar to look into the aspect of construction of school building at the said place, if it is found to be in public interest.

This application is accordingly disposed of.

(Chakradhari Sharan Singh, J)

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