

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5731 of 2018**

=====

Anil Kumar, son of Upendra Das, resident of village Aanandgadh, P.O. Koshila, Khajavati, Bodh Gaya, P. S. M. U. Bodh Gaya, District Gaya

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar, Patna
3. The District Magistrate, Gaya
4. The Block Development Officer, Bodh Gaya, District Gaya
5. The Panchayat Secretary, Gram Panchayat Atiya, District Gaya
6. The In-charge Panchayat Raj Officer, Bodh Gaya Anchal, District Gaya
7. The Block Education Officer, Bodh Gaya, District Gaya

... .. Respondent/s

=====

**Appearance :**

|                      |   |                                        |
|----------------------|---|----------------------------------------|
| For the Petitioner/s | : | Mr. Siya Ram Sahi<br>Ms. Shally Kumari |
| For the Respondent/s | : | Mr. Prabhat Ranjan Singh, AC to AAG 15 |

=====

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

ORAL ORDER

2      24-04-2018                      The whole dispute in the present writ application is whether Middle School, Pachan Gram Panchayat, Anchal Bodh Gaya, is situated in Ward No. 5 or Ward No. 6 of the said Gram Panchayat. That has bearing on election of the Chairman of the Vidyalaya Shiksha Samiti of the said school.

Reliance is being placed on behalf of the petitioner no. 2 on the list of polling booths prepared by the State Election Commission, as brought on record by way of Annexure-2 to the writ application, in which the said school, where also a polling booth was located, has been described to be situated in Ward



No. 6.

Based on the said list, the Block Development Officer, Bodh Gaya, had, through his letter, dated 29.08.2017, addressed to the Block Education Officer, Bodh Gaya, directed him to consider the said school to be located in Ward No. 6. Subsequently, through letter, dated 24.01.2018, the Block Development Officer, Bodh Gaya, has modified the previous letter, dated 29.08.2017, and on the basis of physical verification done by him, he has held the said school to be located in Ward No. 5.

The petitioner, in the present application, is aggrieved by the subsequent communication, dated 24.01.2018, mainly on the ground that it is contrary to the information available in Annexure-2.

Instead of going into the dispute, as regards location of the school, in question, in Ward No. 5 or Ward No. 6, in the present proceeding, I consider it apt to direct the District Magistrate, Gaya, to get the dispute enquired into for the purpose of reaching a definite conclusion as to in which ward the school, in question, is located. The District Magistrate, Gaya, shall ask the Block Development Officer, Bodh Gaya, to proceed accordingly on the basis of the result of enquiry



conducted in the light of the present order.

The entire exercise must be done within a period of one week from the date of receipt/production of a copy of this order.

This application stands disposed of.

**(Chakradhari Sharan Singh, J)**

Prabhakar Anand/-

|   |   |  |  |
|---|---|--|--|
| U | √ |  |  |
|---|---|--|--|

