

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17503 of 2018

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Yugal Kishore Narayan son of Late Tej Pratap Narayan resident of Mohalla - Om Shiv Lal Niwas, Via - Turki, P.O. - Karamdih, P.S. - Kudhani, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Old Secretariate, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Regional Deputy Director, Secondary Education, Tirhut Pramandal, Muzaffarpur.
5. The District Education Officer, Muzaffarpur.
6. Sri Santosh Kumar S/o Ramchandra Mahto, Grand Son of Late Bisheshwar Mahto resident of village + P.O.- Karmadih, Via - Turki, P.S. - Kudhani, District - Muzaffarpur.
7. The Principal Secretary, M.E. School , Karmadih, P.S. - Kudhani, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Dr. Shashi Shekhar Kishore Mr. Abhay Krishna
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw, GP-23 Ms. Meera Singh, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-09-2018 Heard learned counsel for the parties.

The petitioner has a grievance against the decision of the School Education Committee, Government Basic School, namely M.E. School, Kermadih, whereby respondent no. 6 has been nominated as member of the Committee as donor of the land.

The petitioner claims that his grandfather had donated the land for the purpose of construction of the said school



building and on that basis he had functioned as the Secretary of the school. Upon his death, the petitioner's father became the Secretary of the said school as donor. Subsequently, the petitioner joined the Government service and whereafter his younger brother was nominated as Member Secretary of the said Committee. This is the background in which the nomination of respondent no. 6 as Secretary of the School Committee as donor, is being questioned in the present writ application.

The petitioner has admittedly not donated any land. On the ground that the petitioner's grandfather had donated some land for the purpose of construction of school building, he cannot claim to be a donor.

Whether respondent no. 6 is a donor or not, is a question of fact, which can be decided by the appropriate authority.

In the facts and circumstances, as noted above, the Court cannot hold the petitioner to be a donor. The respondents, however, should examine the correctness of nomination of respondent no. 6 as donor of the school in the background of the nature of the dispute being raised on behalf of the petitioner.

Let a decision on the question of donor-ship of respondent no. 6 be taken by the District Education Officer,



Muzaffarpur, within three months from the date of receipt/production of a copy of this order.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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