

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7628 of 2018

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Enamul Haque, Son of Md. Ashraf Ali, Resident of Village- Rauja, P.S.- Town,
District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Education, Government of Bihar, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The Commissioner, Saran Division at Chapra.
6. The District Magistrate, Saran.
7. The Additional Collector, Land Reforms, Saran at Chapra.
8. The District Education Officer, Saran.
9. The District Programme Officer (Establishment), Saran, District- Saran.
10. The Sub- Divisional Officer, Chapra Sadar, District- Saran.
11. The Circle Officer, Chapra Sadar, District- Saran.
12. The Block Education Extension Officer, Chapra Sadar, District- Saran.
13. Bihar Education Project Council, Patna through the Director Bihar State Project.
14. The Director Bihar State Project, Bihar Education Project Council, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate
For the State : Mr. Madanjeet Kumar- GP-20
For Respondent Nos. : Mr. Girijesh Kumar, Advocate
13 and 14 (BEPC)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 16-07-2018

The order dated 3.5.2018 passed in this case speaks for
itself.

Aggrieved by the decision of the District Education
Officer to merge *Urdu Madhya Vidyalaya*, Rauja with *Kanya
Prathamik Vidyalaya*, rauja, the petitioner has approached this Court.
The impugned decision of merger has been taken on the ground that



Urdu Madhya Vidyalaya, Rauja was not having been its own building, which is not in dispute. In order to meet the said requirement, the petitioner himself had expressed his willingness to donate 1 ½ Katha of his own land for construction of School building of *Urdu Madhya Vidyalaya*, Rauja. By the said order dated 3.5.2018, the Court had asked the District Magistrate, Saran to respond to the offer so made by the petitioner and to inform the Court as to whether the area of land proposed to be transferred to the State Government by way of gift would be adequate for running a Primary School.

In compliance of the said order, an affidavit has been filed stating therein that the land proposed to be given by the petitioner is not adequate for construction of School building.

Learned counsel appearing on behalf of the petitioner has submitted that another person having his land adjoining the land proposed to be gifted by the petitioner is also ready to donate the adjoining land for the purpose of construction of School building. The said process may, however, take some time according to him.

In the order dated 3.5.2018 itself, I had indicated that the Court cannot issue a direction to the respondents to decide location of the School in a particular manner. The decision of the District Education Officer, therefore, needs no interference. The petitioner shall, however, be at liberty to approach the District



Magistrate again, if in future, he is in a position to satisfy that adequate land has been made available to be transferred to the State Government for the purpose of construction of School building. The Court expects that if the petitioner approaches the District Magistrate in this regard, the District Magistrate shall take appropriate decision within a reasonable time.

This application stands disposed.

(Chakradhari Sharan Singh, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18-07-2018
Transmission Date	

