

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4903 of 2018

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Brijnandan Prasad son of Late Doman Mahto Resident of
Village - Jalalpur, P.O. + P.S. - Noorsarai, Dist - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary Public Health and Engineering Department, Bihar, Patna.
4. The District Magistrate, Nalanda.
5. The Executive Engineer, Public Health and Engineering Department, Nalanda.
6. The Executive Engineer, Rural Development Department, Nalanda.
7. The District Education Officer, Nalanda.
8. The District Program Officer (Education), Nalanda.
9. The Block Education Officer, Noorsarai, Nalanda.
10. The Public Information Directorate, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Adv
For the Respondent/s : Mr. Anjani Kumar- AAG-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 17-09-2018

1. The present public interest petition has been



filed for issuing directions to remove a building named and styled as *Pensioner Bhawan* which has been constructed within the campus of Middle School, Jalalpur, Noor Sarai, Nalanda as also for removing the tube well in the campus of the school allegedly bored by the Public Health and Engineering Department, Bihar Sharif, Nalanda. A further grievance has been made in the petition that a pond also has been dug in the play ground attached to the school in question by the Rural Development Department, Bihar Sharif, Nalanda.

2. It is the case of the petitioner that the school in question is being run since 1969 and in a most arbitrary and irresponsible manner, a *Pensioner Bhawan* has been constructed inside the campus of the school and a tube well as well as the pond has been dug by the respective Government Departments.

3. However, in the counter affidavit filed on behalf of the respondent Nos. 4, 7, 8 and 9, it has been brought to the notice of this Court that the school in



question was, though, established in the year 1969 and was approved on 12.04.1969 by the Additional Divisional Education Officer, Nalanda to impart education from Class-I to VII but the school was never taken over by the Government of Bihar when other elementary schools were taken over by the notification of 1973.

4. It has been submitted that the present status of the school is that of a non-governmental school which is being run by some villagers. Even building of the said school is said to have been erected over the *Gair Majarua Aam Land*. These facts were discovered during the joint enquiry made by the D.E.O., Nalanda and Senior Deputy Collector, Nalanda.

5. The report of the Block Development Officer, Noor Sarai addressed to the District Education Officer, Nalanda *inter alia* states that during the enquiry, only nine students were found in the school. The building of the school was found to be totally dilapidated in which two rooms were found to be covered by asbestos sheets.



To the north of the school building, a pond with dirty water was found whereas opposite the school building, one tube well was detected. The *Pensioner Bhawan*, the building which has been objected to by the petitioner also was constructed and established in the year 2016, away from the school premises. The local Mukhiya also testified to the fact that the school is not being run on a regular basis and only for a few months now, some persons are found visiting the school.

6. In view of the Enquiry Report referred to above and taking into account that the school in question is only a make-shift school, over *Gair Majarua Aam Land* run by the villagers, which has never been taken over by the Government and that the *Pensioner Bhawan* as well as the tube well having been found located away from the school premises, there is no requirement of issuing any further direction. That apart, the records reveal that the *Pensioner Bhawan*, which has been built out of the M.L.A. fund serves to be utilized as it is being used for



the benefit of retired persons.

7. In view of the aforesaid, the petition is dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20/09/2018
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