

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22 of 2018

Sita Ram Das, son of Ratan Das, Resident of Village Mokarry @ Mukharry, P.S. Raiyam Factory, District Darbhanga at present working as Head Master of the Government Primary School, Mokarry @ Mukharry, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Primary Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Darbhanga.
5. The District Programme Officer, 'Sarv Siksha Abhiyan' Darbhanga.
6. The Block Education Officer, Kewti, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. D. K. Singh, Sr. Adv. Mr. Rana Bhupendra Narayan Singh Ms. Babita Kumari
For the Respondent/s	:	Mr. Madanjeet Kumar -GP 20

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 01-05-2018 The petitioner claims that he is the Headmaster of Government Primary School, Mokarry @ Mokharry, in the district of Darbhanga. He is objecting to the decision of the respondents to merge the said school in the nearest school of the locality in the light of certain directions issued by the Deputy Secretary, Government of Bihar, as contained in Memo No. 6/10 9-53/2016 197, dated 09.12.2017.

Mr. Sinha, learned Senior Counsel, appearing on behalf of the petitioner, submits that the respondents are



proposing to merge the said school possibly on the ground that the school does not have its own land. He has drawn my attention to a representation, which indicates that villagers are ready to transfer adequate and suitable land for the said school in the village. The representation has been brought on record by way of Annexure-3 to the writ application.

This Court, in a proceeding under Article 226 of the Constitution of India, cannot go into the correctness of the decision of the State respondents as to the location of a school. However, since it is the stand of the petitioner that the people are ready to transfer adequate land in favour of the State of Bihar in the larger interest of the local people, I dispose of this writ application with a direction to the District Education Officer, Darbhanga, to consider the case of the petitioner, as disclosed in Annexure 3 to this writ application.

The petitioner shall be at liberty to file a fresh representation mentioning the details of the lands with documents in support thereof, which can be transferred in favour of the State of Bihar for running of the school in the village, in question.

The decision must be taken within a period of two months from the date of receipt/production of a copy of this



order or filing of the fresh representation by the petitioner,
whichever is earlier.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J)

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