

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2412 of 2018

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Anand Kumar, son of Late Shri Bhagwan Yadav, resident of Village & PO -
Kothia, PS - Didarganj, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, the Chief Secretary, Government of Bihar, Patna.
2. The Chairman, Central Board of Secondary Education, 2, Community Centre,
Shiksha Kendra, CBSE Headquarters, Preet Vihar, Delhi - 110092.
3. The Regional Officer, Patna Region, Central Board of Secondary Education,
Ambika Complex behind State Bank Colony, Near Brahmsthan, Sheikhpura,
Raja Bazar, Bailey Road, Patna - 800014.
4. The Managing Committee, New Era High School, Gyanchak (H. Nagar),
Didarganj, PO - Kothia, District - Patna - 800008.
5. The Director, New Era High School, Gyanchak (H.Nagar) Didarganj, PO -
Kothia, District - Patna - 800008.
6. The Principal, New Era High School, Gyanchak (H.Nagar) Didarganj, PO -
Kothia, District - Patna - 800008.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar, Advocate
For the State	:	Mr.Mrigendra Kumar, AC to GA 4
For the CBSE	:	Mr. Vinay Krishna Tripathy, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-03-2018

Petitioner has filed this writ petition under Article 226 of the
Constitution in public interest and the grievance pointed out in the
writ petition is that the school named and styled as ‘New Era High
School’ is situated in Gyanchak (H. Nagar), Didarganj, P.O.-



Kothia, District-Patna. The school is situated near a high voltage electric current wire through which electric current of 33000 voltage is circulating and as the school is under such a high voltage electricity wire, it may cause accident and the life of the children studying in the school may be in danger. Making a prayer that the school should be shifted from that area and for the same a mandamus be issued, this writ petition has been filed in public interest.

Records indicate that the petitioner sent a legal notice both to the School in question and the Central Board of Secondary Education (hereafter referred to as 'the Board'). The Board directed the school to look into the matter and suitably reply to the legal notice and the school sent its reply, vide Annexure-6 to the writ petition, to the petitioner's counsel that the school is established since 2008 and it is functioning there. When school started functioning, no such electric wire or pole was situated in the area. The school was constructed after taking no objection from the State Government, the Board, the Electricity Department apart from the Municipal Corporation etc. and indicating that the school has been established in accordance to law, the school has replied to the same and asked the petitioner to take steps for



redrassal of his grievance by approaching the authorities of the electricity department.

In our considered view, the petitioner has filed this writ petition for reasons which are not explained in the writ petition. In all fairness, once the reply, as indicated in Annexure-6, was received by his counsel, the petitioner should have represented the Electricity Department, which has drawn the electricity wire through the area in question, requested for taking safety measures in accordance to the Electricity Act or the Electricity Supply Rules or in the alternate requested the Electricity Department to take such steps so as to prevent any accident in the area. Instead of doing so, petitioner very conveniently seeks a mandamus for shifting of the school. Once the school has been established in accordance to the requirement of law and we find no illegality in running the school, we see no reason to issue any mandamus for shifting of the school. In stead, the petitioner should take up the issue with the authorities of the Electricity Department, pray for creating safety provisions or shifting of the electricity wire in question from the area in question.

Granting liberty to the petitioner to do so by approaching the Electricity Department, we dispose of the matter. We are hopeful that on a representation made by the petitioner, the Electricity



Department shall look into the matter and take steps as are permissible in law for preventing any mishap in the future.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.03.2018
Transmission Date	

