

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3800 of 2018

Sanjit Kumar Sah, Son of Dukhan Sah, Resident of Village- Ibrahimpur
Parsauni, P.S.- Phenhara, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Deputy Secretary, Human Resources Department, Government of Bihar, Patna.
3. District Magistrate-cum-Collector, East Champaran at Motihari.
4. The District Education officer, East Champaran Motihari.
5. The Block Education Officer, Phenhara, East Champaran.
6. Circle Officer, Phenhara, East Champaran.
7. District Programme Officer, East Champaran.
8. District Programme Officer, Primary Education and Sarav Shiksha Abhiyan, East Champaran.
9. Block Development Officer, Phenhara, East Champaran.
10. Pradhan Shiksha , Navsrijit Primary School, Persauni Dera, Under Phenhara Block, East Champaran.
11. Mukhiya, Gram Panchayat Raj Bara, Parsauni, P.S.- Phenhara, District- East Champaran.
12. Up-Pramukh, Block Phenhara, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Respondent/s : Mr. Kameshwar Kumar, GP 17
Mr. S. K. Ranjan, AC to GP 17

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-04-2018 The petitioner claims that he is villager of Ibrahimpur
Persauni, where one Nav Srijit Primary School is situated. The
school is running in a Committee Hall.



Since it does not have its own building, by an order of the Block Education Officer, Phenara, the said school is being amalgamated with another nearby school, having its building and infrastructure. The petitioner is aggrieved by the said order of the Block Education Officer, dated 01.08.2017. It is his contention, which has been stated in the writ application also, that the petitioner is ready to donate adequate land for the purpose of construction of school building in the village Ibrahimpur Persauni. It is the petitioner's grievance that the authorities are not accepting the gift which the petitioner proposes to make.

The decision impugned does not require interference in the present proceeding under Article 226 of the Constitution of India. It is purely executive function of the State to decide as to where a school is to be located.

However, if the petitioner makes a representation before the Collector, expressing his desire to make gift of land with proper description, which is adequate and suitable for construction of a school building in the said village Ibrahimpur Persauni, the Collector shall consider the same and take a decision whether the school can be relocated in the said village or not. Such decision should be taken within a period of eight



weeks from the date of filing of the representation, if such representation is filed within a period of four weeks from today.

This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

U	√		
---	---	--	--

