

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.524 of 2018

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Birendra Kumar Patel, Son of Sachidanand Singh, resident of Village-Ward No.5, Near N.I.P. High School, Kashmar, P.A. Sonapur, District-Saran, Bihar-844101

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Govt. of Bihar
2. The State of Bihar through its Principal Secretary, Education Department.
3. The District Education Officer, Saran at Chapra
4. The District Program Officer, Saran at Chapra
5. The Block Development Officer, Sonapur, Saran
6. The Block Education Officer, Sonapur, Saran
7. The Panchayat Secretary, Gram Panchyat Raj, Kashmar
8. The Principal Navsrijit Primary Schyool Yadav Tola, Kshmar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kaushal Kishor
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey -AAG15 with Mr. Prabhat Ranjan, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-07-2018 Heard learned counsel for the parties.

2. This writ application has been filed for quashing of the office order dated 14.11.2017 (Annexure-2 series) issued by the Bihar Education Project, Saran, whereby Navsrijit Primary School Yadav Tola, Kshmar at Serial 85 has been merged into Bhajan Singh Residential Middle School Kashmar. The petitioner does not dispute that Navsrijit Primary School Yadav Tola, Kshmar does not have its own land and building.

3. It seems that in order to overcome such situation a decision has been taken to merge the said School with Bhajan



Singh Residential Middle School Kashmar.

4. Learned counsel appearing on behalf of the petitioner has submitted that it would be in the public interest that Primary School is located at the place where the said Navsrijit Primary School Yadav Tola, Kiashmar was earlier located to cater to the need of young children residing nearby. He has also submitted that villagers of Kashmar are ready to donate adequate land for the purpose of construction of School building.

5. This Court in a proceeding under Article 226 of the Constitution of India cannot decide the correctness of such decision of merger of School with an another School in the absence of adequate land and building. It is purely an executive exercise.

6. However, if the villagers are willing to donate land to the State Government for the purpose of construction of School building and if the place or nearby the place where the Navsrijit Primary School Yadav Tola, Kashmar is found to be convenient for young students, the Court expects that the officials at appropriate level, must consider such request of the villagers of the concerned village.

7. It is, accordingly, directed that if the Villagers



approach the District Magistrate, Saran, Director, Bihar Education Project, Bihar and the District Education Officer, Saran with some concrete proposal in respect of the donation of the land, they will consider such request with right earnest and take a decision within a reasonable period of time.

8. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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