

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2060 of 2019

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Naveen Kumar Ranjan Alias Pintu Kumar Singh S/o- Randhir Singh, R/o-
Village- Dhandhua, Anchal and P.S. Jandaha, Dist- Vaishali, Bihar

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Principal Secretary, Animal and Fisheries Resources Department,
Government of Bihar, Patna
4. The Director, Primary Education, Dept. of Education, Bihar, Patna
5. District Programme Officer, Establishment, Vaishali at Hajipur
6. The District Education Officer, Vaishali at Hajipur
7. The District Magistrate, Vaishali at Hajipur
8. The Circle Officer, Jandaha, Dist- Vaishali at Hajipur

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Adv.

For the Respondent/s : Mr. Shashi Shekhar Tiwari, AC to AAG 15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

3 12-03-2019 Heard Mr. Yashraj Bardhan, learned Counsel

 appearing for the petitioner and Mr. Shashi Shekhar Tiwari,

 learned AC to AAG 15.

 Since a complaint was made by the petitioner raising

 questions on the up-gradation of the Middle School by using an

 area which according to the petitioner was registered as a

 Pokhar and thus altering its nature that we put the State on

 notice to respond to the complaint made and when a counter

 affidavit is filed clarifying the position, a copy of which was



served on the learned Counsel for the petitioner on 21.02.2019 and goes uncontroverted.

In our opinion, the explanation given by the State at paragraphs 5 and 6 of the counter affidavit are sufficient to dispose of the writ petition for it is at absolute discretion of the State to utilize the land available within the locality in the process of up-gradation of a Middle School and had it been a case where the State was proceeding to construct a new school by alteration of the nature and character of the land, perhaps we would have given a consideration to the complaint made.

The writ petition is disposed of.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Surendra/-

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