

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10006 of 2019

=====

Kamta Prasad Singh (M), aged about 70 years, S/o Late Narsingh Singh Vill.-
Shiwaalapur Pandarak (East), P.s.- Pandarak, Distt.- Patna

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna
2. The Principal Secretary Education Department, Govt. of Bihar, Patna
3. The Director Secondary Education, Govt. of Bihar, Patna
4. The Managing Director Bihar State Education Infrastructure Development
Corporation Ltd., Saidpur, Patna
5. The District Collector cum D.M. Patna
6. The District Education Officer Patna
7. The Head Master Choudhary Ram Prasad Sharma, Project Girls High
School, Pandarak, P.s.- Pandarak, Distt.- Patna

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr. Madan Prasad Singh, Adv.
For the Respondent/s	:	Mr. Shashi Shekhar Tiwary, AC to AAG-15
For the BSEIDC	:	Mr. Girijesh Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 03-05-2019

Heard Mr. Madan Prasad Singh, learned counsel for the
petitioner, Mr. Shashi Shekhar Tiwary, AC to AAG-15 for the State
and Mr. Girijesh Kumar, learned counsel for respondent no.4.

The grievance raised by the petitioner is that the Project
Balika Vidhyalaya, Pandarak was upgraded in Plus-2 school and
which according to the resolution of the Education Department needs
to possess a minimum of 0.75 acre for infrastructural support but the
said school was running over a piece of land admeasuring 26.5



decimals and the building has since gone dilapidated but in the process of reconstruction of the building of the school, the authorities of the Education Department are not willing to ensure that the school is rebuilt over a piece of land admeasuring 75 decimals in tune with their own resolution dated 7.2.2018 at Annexure-1, rather they are proceeding to reconstruct the building over the said piece of land which admeasures only 26.5 decimals and which is contrary to their own resolution.

It is espoused on behalf of the petitioner by Mr. Singh that there are villagers who are willing to part with such area for reconstruction of the school building and although some kind of indulgence has been given by the Grievance Cell vide Annexure 4 but the matter has not reached to a conclusion. Hence, this writ petition.

While it is the submission of Mr. Tiwary, learned counsel for the State that the issue yet be considered by the Public Grievance Cell, Patna the writ petition is premature, Mr. Girijesh Kumar has produced an office order of the Education Department bearing Memo No. 257 dated 6.3.2012 issued under the signature of the Principal Secretary constituting a Committee of three officials i.e. the Director, Secondary Education as the Chairman and the Deputy Director as well as State Programme Officer in the Bihar Secondary Education Council as its Members to look into any objection relatable to an up-



gradation of the schools like present kind. He thus submits that even if the matter is pending consideration before the Public Grievance Cell as evidenced from Annexure 4, there is no stopping for the petitioner to move the Committee if they have any such grievance.

We note that the foundational facts as to whether the school has been upgraded are missing and since the Public Grievance Cell has initiated a proceeding on the grievance raised by the petitioner, for the present we would only direct the appropriate authority to conclude the proceeding relatable to the objection raised by the petitioner preferably within three months from the date of receipt/ production of a copy of this order.

In case the petitioner is yet not satisfied, he can approach the Committee constituted under the resolution dated 6.3.2012 for redressal of his grievance.

With the observations above, we dispose of the writ petition.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Archana/
Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2019
Transmission Date	NA

