

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3147 of 2017

Arising out of

Civil Writ Jurisdiction Case No.2303 of 2014

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Baijnath Sah S/O Sri Premlal Sah Resident of Village - Mainhi, P.O.
Narendrapur, P.S. Andhramath, District – Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri Rajeev Ranjan, Director, Secondary Education, 8th Floor, Bihar School Examination Board (Secondary Education) Building, Budh Marg, Patna.
3. Sri R.K. Mahajan, Principal Secretary, Human Resources Development Department (Secondary Education), Bihar, Patna.
4. Sri Shirssat Kapil Ashok, son of not known, District Magistrate, Madhubani.
5. Sri Duranand Jha, District Development Commissioner, Madhubani.
6. Sri R.B. Chudhary, Joint Secretary cum Director (Secondary Education), Education Department Bihar.
7. Sri Rajendra Prasad Mishra, District Education Officer, Madhubani.
8. Sri Sanjay Kumar, District Programme Officer (Secondary Education), Madhubani.
9. Sri Ajeet Kumar, Managing Director, Bihar State Educational Infrastructure Development Corporation Ltd.
10. Vigilance Investigation Bureau, Department of Vigilance, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Diwakar Prasad Singh, Advocate
For the State	:	Mr. Ashutosh Ranjan Pandey, AAG 15
For the Vigilance	:	Mr. Anjani Kumar, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-10-2019

Heard learned counsel for the petitioner; learned AAG

15 for the State and learned counsel for the Vigilance.

2. Pursuant to order dated 01.10.2019, the Additional
Chief Secretary, Education Department as well as the Additional
Director General, Vigilance Investigation Bureau are also present.



3. The matter required the presence of the said officers in view of serious irregularity relating to upgradation of a Middle School into a Senior Secondary School, as per the prevailing policy existing at the relevant point of time of the State Government. With regard to the other school, the petitioner had alleged that it possessed only five *kathas* of land which was much less compared to the minimum one acre required, but because of patently wrong report submitted by the then Block Education Officer, Lokhi who had written that the school in question possessed five acres of land, the authorities had proceeded and the matter was brought before the Court in CWJC No. 2303 of 2014 and was remanded to the authorities to look into the factual aspect and then take a decision. Subsequently, the authorities having detected such inadequacy, government land was given to the school to make up the deficiency and the building has now been completed and the upgraded school is also functioning. On the other hand, the petitioner claimed that it had 17 *kathas* of land which, though was also less compared to the requirement at that particular time but subsequently the shortfall was made up by donation by the villagers.

4. It is the stand of the State that with regard to the wrong done due to various reports of the officers at the relevant



point of time, the school now having been completed and functioning, it would not be in public interest to undo the present state of affairs. A categorical stand has been taken by the Additional Chief Secretary, Education Department that already process has been initiated to fix responsibility and strict action would be taken against all the officers found responsible for the situation. With regard to the petitioner's school, it was submitted that at the relevant point of time, it also did not possess the minimum requirement of one acre of land, as admittedly it had 17 *kathas* when the policy of the State Government came in July, 2013. Thus, the contention is that even the petitioner not having fulfilled the requirement, taking an overall view and in the larger public interest, when the present school building has a better connectivity, *status quo* may not be disturbed.

5. As the matter relates to contempt and the authorities already having taken action with regard to fixing responsibility against the officers, who may have been responsible for such position, the Court feels that there is no requirement for the Court to pursue the matter under its contempt jurisdiction. Thus, there being no deliberate or wilful violation of the order by the authorities, who are before the Court and presently holding office, the Court is not inclined to go into the aspect of fixing



responsibility and taking action against the erstwhile officers, as the Court has been assured that the authorities themselves would be fixing responsibility and taking strict action against them.

6. The Court gives liberty to the Additional Chief Secretary, Education Department, to take help of the Additional Director General, Vigilance Investigation Bureau, for any enquiry, with regard to identifying the persons and for fixing responsibility, if deemed necessary.

7. Having regard to the aforesaid, the present application stands disposed off.

8. With regard to the case of the petitioner's school, the Court in the present jurisdiction is unable to pass any order. However, it shall be open to the petitioner to move before the competent authority with regard to any relief which may still be available under the existing scheme of things, especially the government policy in this regard.

9. Personal appearance of the officers stands dispensed with.

(Ahsanuddin Amanullah, J)

Anjani/-

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