

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1572 of 2020

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Geno Tanti, son of Chandu Tanti, Resident of Village- Garwah Katauna,
Police Station- Malaypur, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Building Construction Department, Government of Bihar, Patna.
2. The Principal Secretary Building Construction Department, Government of Bihar, Patna.
3. The Director, Schedule Caste and Schedule Tribe Welfare Department Government of Bihar, Patna.
4. The Union of India through the Secretary, Ministry of Tribal affairs Government of India, New Delhi.
5. The Secretary, Ministry of Tribal affairs Government of India, New Delhi.
6. The Secretary Ministry of Youth Affairs Government of India, New Delhi.
7. The Secretary Ministry of Rural Development, Government of India, New Delhi.
8. The District Magistrate-cum-Collector, Jamui.
9. The Mukhiya, Panchayat Raj Katauna, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chakrapani, Advocate Mr.Dipak Kumar, Advocate
For the Respondent/s	:	Mr.Prashant Pratap (Gp2)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2020

Petitioner has prayed for the following relief(s):

“(i) Issuance of an order, direction or writ in the nature of mandamus commanding the respondent authorities to not to use the only



playground of the village for the construction of residential Co-ed School for Schedule Tribe.

(ii) Issuance of an order, direction or writ in the nature of mandamus directing the respondent authorities to construction the residential Co-ed School for Schedule Tribe on any suitable place other than the only village playground.

(iii) Any other relief or reliefs to which the petitioners may be found entitled to in the facts and circumstances of the case.”

Respondent No. 3, namely The Director, Scheduled Caste and Scheduled Tribe Welfare Department, Government of Bihar has filed the counter affidavit.

Para-6 of the counter affidavit is reproduced hereinunder:

“That it is apposite to mention here that District Magistrate, Jamui vide its letter no. 248 dated 15.02.2020 has made available the detailed report. As per the report, after due consideration DM, Jamui has recommended shifting of the site of the proposed school from katauna Mauja of Panchayat Raj Katauna bearing Khata No.458, Kheshra No. 2640, Thana No. 22, Rakwa-5 Acre to Genadih of Gidhaur Village bearing Khata No. 144, Kheshra No.295, Thana No. 147, Rakwa-5 Acre.”



We dispose of the present petition with the direction to Respondent No. 3, namely The Director, Schedule Caste and Schedule Tribe Welfare Department, Government of Bihar, Patna to ensure that the recommendation reproduced supra is implemented in letter and spirit within the current financial year i.e. on or before 31st of March, 2021.

Liberty reserved to the petitioner to invite the attention of the authorities for non-compliance of the order as also approach the Court reviving the petition.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2020
Transmission Date	

