

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.183 of 2021

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Upendra Kumar, Son of Rambrich Prasad, Resident of Village - Saidpur,
Soniawan, Khushiyalpur, P.S. Ekangarsarai, District - Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The District Education Officer, Nalanda.
4. The Block Development Officer, Ekangarsarai Block, District - Nalanda.
5. The Circle Officer, Ekangarsarai, District - Nalanda.
6. The Block Education Officer, Ekangarsarai, District - Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shambhu Sharan, Advocate
For the Respondent/s	:	Smt. Shilpa Singh, G.A. 12

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(The proceedings of the Court are being conducted through Video Conferencing and the
Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 28-06-2021

Heard the parties.

Petitioner has prayed for following relief(s).

“That the present application is being filed in the
nature of Public Interest Litigation is for direction
upon the respondents authorities to construct
school building of the Primary School, Saidpur
under Village Panchayat Suniyawan, which has
been sanctioned as Primary School, Saidpur by
the Government of Bihar and further directing the



respondents to run the school in the village
-Saidpur in place of Primary School, Suniyawan.

For grant of any other relief or reliefs granted in
the facts and circumstances of the present case.”

After the matter was heard for some time, learned
counsel for the petitioner, under instructions, states that
petitioner shall be content if a direction is issued to the District
Magistrate, Nalanda to consider and decide the representation
which the petitioner shall be filing within a period of four weeks
from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such
a representation is filed by the petitioner, the District Magistrate,
Nalanda shall consider and dispose it of expeditiously and
preferably within a period of three months from the date of its
filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the
following terms:-

(a) Petitioner shall approach the District Magistrate,
Nalanda within a period of four weeks from today by filing a
representation for redressal of the grievance(s);

(b) The District Magistrate, Nalanda shall consider
and dispose it of expeditiously by a reasoned and speaking



order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits.
All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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

