

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7451 of 2022

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Tarkeshwar Pandit Son of Rampratap Pandit, resident of Ward No.03, Fatehpur wala, P.S.- Fatehpur, District - Samastipur presently posted as Principal of the Deo Chand College, Hajipur (Vaishali).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Principal Secretary, Department of Education, Bihar, Patna.
4. The Addl. Chief Secretary, Revenue and Land Reforms Department, Bihar, Patna.
5. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
6. The Secretary, Backward and Extremely Backward Class, Government, Patna.
7. The District Magistrate, Vaishali at Hajipur.
8. The Sub Divisional Officer, Vaishali at Hajipur.
9. The District Welfare Officer, Vaishali at Hajipur.
10. The Sub Divisional Welfare Officer, Vaishali at Hajipur.
11. The Circle Officer, Hajipur at Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Adv.
For the Respondent/s : Mr.Md. Khurshid Alam (Aag 12)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 29-06-2022 Heard the parties.

The case is being taken up from defect side.

Learned counsel for the petitioner is directed to submit the original petition along with attested affidavits and also remove all the defects pointed out by the Registry within two weeks from today.



Learned counsel for the petitioner submits that the petitioner had earlier approached this Court by preferring a writ petition challenging the action of the Sub Divisional Officer, whereby the building hostel of the Deo Chand College, Hajipur, Vaishali was sealed.

This Court vide order dated 10.02.2021 allowed the petitioner to submit a representation to the District Magistrate, Vaishali with direction that the representation be disposed of within a period of eight weeks.

Learned counsel submits that thereafter the District Magistrate vide his impugned order dated 25.08.2021 has directed the said building to be used for hostel purposes for the Other Backward Classes. Aggrieved thereto, the petitioner has challenged the said order of the District Magistrate.

Learned counsel submits that the District Magistrate has no authority to direct the hostel to be used only for the Other Backward Classes students and the hostel was being used for all the students of the College and the building belongs to the Management Committee.

Learned counsel submits that without involving the Managing Committee, the direction could not have been issued by the District Magistrate.



Per contra, learned counsel appearing for the State has pointed out that from the order passed by the learned District Magistrate, it is apparent that the building was constructed by the funds provided by the State Government and as much as 1,12,66,000/- (One crore twelve lakhs and sixty six thousand) was allotted for the purpose of construction of the said building in the year 2007 and 100 beded hostel was constructed. However, the Principal illegally took possession and encroached the said hostel which was meant for all the Backward Class students of the said area. The building does not belongs to the Managing Committee and the District Magistrate has rightfully passed the order dated 25th August, 2021 which does not warrant any interference.

I have considered the submission, the District Magistrate, Vaishali has vide his impugned order directed to open the seal of the said hostel and has further allowed the College and Management to use five rooms and halls for the purpose of Library and other administrative work on the ground floor. It has also directed that 50% of the hostel to be used for students studying in the said College on preferential basis, while other students would also be allowed to use the said hostel for the 50% remaining beds.



Directions have also been issued to the District Social Welfare Officer to take repairing works relating to the said hostel and further directed that the Management shall be done in terms of the departmental Rules laid down for managing of the hostel which would include a Committee involving the Principal for the said purpose.

The Court notices that a huge amount was released by the State Government for construction of the said hostel. It is also noticed that the directions issued by the District Magistrate have taken into consideration the claim of the College also. The order passed by the District Magistrate is found to be fair and impartial and takes care of all the interested parties. No interference, therefore, is warranted in the said order.

The writ petition is devoid of merits and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 28

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