

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2227 of 2019

In
Civil Writ Jurisdiction Case No.524 of 2018

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Birendra Kumar Patel Son of Sachidanand Singh R/o Village-Ward No. 5,
Near N.I.P. High School Kashmar, P.S. Sonapur, District-Saran, Bihar 844101
... .. Petitioner

Versus

1. Sri Deepak Kumar Principal Secretary, Govt. of Bihar
2. Sri R.K. Mahajan Principal Secretary, Education Department, Government of Bihar
3. Sri Jai Chandra Prasad Srivastava District Education Officer, Saran at Chapra
4. Subrat Kumar Singh District Magistrate, Saran
5. Sri Amerendra Kumar Gaur District Program Officer, Saran at Chapra
6. Sri Aftab Alam Block Development Officer
7. Sri Jai Parksah Singh Panchayat Secretary, Gram Panchayat Raj, Kashmar
8. Sri Avinash Kumar Singh Principal Navsrijit Primary School Yadav Tola, Kashwar, Sonapur, Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, Advocate
For the Opposite Party/s : Mr. Ashutosh Ranjan Pandey (AAG15)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 29-06-2022 This application has been filed for initiation of contempt proceeding against the opposite parties for violation of this Court's order dated 23.07.2018 passed in CWJC No. 524 of 2018.

From the order of this Court dated 23.07.2018, it transpires that the villagers of village Kashmar in the district of Saran were willing to donate some land to avoid merger of two schools. The Court, taking into account facts and circumstances,



had simply granted the villagers liberty to approach the District Magistrate, Saran with concrete proposal in respect of donation of land. It was further observed that if any concrete proposal was there, the same would be considered in right earnest and a decision shall be taken within reasonable period of time.

A show-cause reply has been filed on behalf of the opposite parties stating therein that there was no concrete proposal with regard to donation of land. Further, on account of a school being available within the limit of habitations, as emanated by Rule 4(1)(a) of the Bihar State Free and Compulsory Education for Children Rules, 2011, the proposal to reverse the merger of Navsrijit Primary School, Yadav Tola was not found appropriate.

In my opinion, in view of the stand taken in the show-cause reply on behalf of the opposite parties, no case of deliberate disobedience of this Court's order is made out.

This contempt application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

K.K.RAO/-

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