

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17011 of 2022

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Surya Narayan Yadav Son of Late Shiv Shanikar Yadav, Resident of Ward No. 10, Chhaurahi, Babubarhi, P.S. Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Education Department, Bihar Patna.
2. The Special Director Secondary Education, Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The Regional Deputy Director of Education, Darbhanga Division Darbhanga.
5. The District Education Officer, Madhubani.
6. The District Programme Officer (Estab.), Madhubani.
7. The Block Education Officer, Babubarhi, Madhubani.
8. The Headmaster, Govt. Middle School Chhaurahi Babbubarhi, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Adv.
For the Respondent/s : Smt. Binita Singh (Sc 28)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 19-12-2022 Heard the parties.

The petitioner has prayed as under :

“That this is an application for issuance of an appropriate writ(s), order(s) direction(s) to the respondent to include the name of late Shiv Shankar Yadav (father of the petitioner) as donor member (land donor) and to nominate the Govt. Middle School Chhaurahi, Babubarhi in the name of late Shiv Shankar Yadav pursuant to the departmental resolution no. 514 dated 03.04.2013, District office memo no. 3576 dated 24.10.2013 and letter no.



14.08.2014 and to grant any other relief(s) for which petitioner may found entitled in accordance with law.”

The High Court has held in C.W.J.C. No. 16869 of 2022 (Sajan Kumar Banka & Ors. Vrs. the State of Bihar & Ors.) as follows :

A gift deed was executed by the ancestor of the petitioner in favor of the Government with the condition that the name of the school so constructed would be in the name of their ancestor, Harjimal. As the Government has not named the school in the name of their ancestor, writ petition has been filed. Under Article 226 of the Constitution of India, this Court would issue writ orders or directions only for vindication of Fundamental Rights or redressal of the grievance arising out of a legal Right in favor of any citizen. Implementation of a condition of a gift or an agreement or a contract cannot be a subject matter of issuing of writ order or direction under Article 226 of the Constitution of India.

Hence, a writ petition would not lie for enforcing contractual obligations based on any gift deed or on any agreement between the State and individual.

Learned counsel for the petitioner stressed on a letter issued by the District Education Officer, Madhubani, dated 07.06.2016 to the Headmaster of the School. The letter dated



07.06.2016 is an another communication between the District Education Officer and the Headmaster and is not enforceable at the behest of the petitioner.

The writ petition is misconceived and is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 8

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