

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12149 of 2017

Praras Nath Singh Son of Late Ram Saroop Singh, Resident of Village-
Ayodhaya Bigha, PS- Obra, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Development Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Officer, Aurangabad.
4. The District Education Officer, Aurangabad.
5. The District Program Officer, Aurangabad.
6. The Block Education Officer, Obra Block, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sheel Bhadra Jha, Advocate Mr. Bindeshwar Prasad Singh, Advocate
For the Respondent/s	:	Mr. Madanjeet Kumar, GP-20

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 11-07-2023 Heard learned counsel for the petitioner and the State.

Petitioner in the present case is seeking to challenge the office order vide memo no.356 dated 06.04.2017 issued by the Block Education Officer, Obra, Aurangabad in response to the notification no.197 dated 09.02.2017 issued by the Education Department, Government of Bihar, Patna.

It is the case of the petitioner that the villagers of Ayodhaya Bigha had gifted a piece of land for construction of a school building and the Department of Primary Education, Bihar, Patna had been pleased to sanction Rs.5,43,950/- for



purpose of construction of a building in the year 2010-11 for Naw Srijit Primary School, Ayodhaya Bigha. An agreement was also executed between the Education Department and the School Education Committee but thereafter the allotted money was refunded with interest to the District Programme Officer, Primary School, Aurangabad on 05.09.2012 by saying that with the given amount the construction of the school building is not possible.

Learned counsel submits that the Department of Education, Government of Bihar has come out with memo no.197 dated 09.02.2017 wherein it is stated that those schools which are landless and has no building of its own, their children as well as the teaching and non-teaching staffs are to be shifted in those schools which are within one kilometer. A copy of the notification has been brought on record as Annexure- '5' to the writ application. Consequent upon issuance of Annexure- '5', the Block Education Officer, Obra has issued memo no.365 dated 06.04.2017 (Annexure - '6') by which Nav Srijit Primary School, Obra has been shifted to Middle School, Wajitpur.

Learned counsel for the petitioner submits that as a result of the shifting of the school, the children aged between 6-14 years have suffered, the distance is more than two kilometers



and all these have contributed to the extent that now the students are not going to the school.

Learned counsel for the State has with reference to the counter affidavit submitted that there is a policy decision of the government that those schools which are landless and buildingless, for purpose of education of the students at primary level they have been merged with another school and in this case the primary school, Ayodhaya Bigha does not have the required land and school building, therefore, it has been merged with the Middle School, Wajitpur.

Having heard learned counsel for the petitioner and the State, there being an admitted position that the Primary School at Ayodhaya Bigha did not have at least a school building and in such circumstance its activities have been shifted to Middle School, Wajitpur, this Court finds no reason to interfere with the impugned order.

As regards requirement of land, learned counsel for the State is not clear and the statement that Ayodhaya Bigha school is landless has not been substantiated rather the records of the case would show that the school has got 12 ½ decimal of land. Whether the said piece of land is sufficient or not as per requirement is to be looked into by the respondent authorities.



Non-inteference with the impugned order shall not come in the way of the petitioner in pursuing his efforts towards establishment and construction of a school/school building at Ayodhya Bigha. If the petitioner approaches the respondent authorities with complete facts and materials within a period of three months from today, the same will be considered by the respondent authorities in accordance with law within a reasonable time and a decision thereon shall be communicated to the petitioner.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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