

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9741 of 2019

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Rajeev Kumar Agrawal son of Late Suresh Chandra Agrawal resident of
Village-Khiri,P.O and P.S- Bhagwanpur, District- Kaimur at Bhabua

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resource Development, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna
3. The State Project Director, Bihar Education Project Council, Patna
4. The District Magistrate, Kaimur at Bhabua
5. The District Program Officer, Sarva Siksha Abhiyan Program, Kaimur at Bhabua
6. The Circle Officer, Bhagwanpur, Kaimur at Bhabua
7. The Block Education Officer, Bhagwanpur Kaimur at Bhabua
8. The Warden, Kasturba Gandhi Balika Vidyalaya, Bhagwanpur Kaimur at Bhabua

... .. Respondents

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Appearance :

For the Petitioner/s	:	Dr. Kislay, Advocate Mr. Ram Ishwar Prasad, Advocate
For the Respondent/s	:	Mr. Hitesh Suman, AC to SC-13
For the BEPC	:	Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-08-2023 Heard learned counsel for the petitioner and learned counsel for the Bihar Education Project Council (hereinafter referred to as the 'BEPC') as also learned counsel for the State.

2. The petitioner in the present case is seeking a writ in the nature of Mandamus commanding the respondents to add the name of his grand mother, namely, Godavari Devi in the name of Kasturba Gandhi Balika Vidyalaya, Bhagwanpur, Kaimur.

3. Learned counsel for the petitioner submits that as



per the existing policy of the Government, the father of the petitioner, namely, Late Suresh Chandra Agrawal donated/gifted his own Raiyati land measuring area 0.20 Acre at Bhagwanpur, Kaimur in favour of His Excellency the Governor of State of Bihar for construction of Godavari Devi Smiriti Kasturba Gandhi Balika Vidyalaya in the name of his mother Godavari Devi.

4. It is stated that the Collector, Kaimur had granted permission for free registration of the said gift deed and a direction was also issued to the District Additional Registrar, Kaimur and Circle Officer, Bhagwanpur vide Letter dated 24.11.2009 (Annexure '1' to the writ application).

5. It is the case of the petitioner that in the gift deed itself it is stated that the proposed Kasturba Gandhi Balika Vidyalaya in question will be constructed in the name of said Godavari Devi but the respondents have not done it and the school in question is running in the name of Kasturba Gandhi Balika Vidyalaya.

6. The petitioner claims that he had made the representations as contained in Annexure '7 Series' to the writ application to the competent authorities but those are not being considered.



7. Attention of this Court has been drawn towards Annexure '3' to the writ application to submit that at the relevant time, there was a policy of the Government to name the building of a school, health sub-centres and aganwadi in the name of the donor.

8. Learned counsel for the State and learned counsel for the BEPC have opposed this writ application. A counter affidavit has been filed on behalf of respondent nos. 3 and 5 wherein it is stated that Kasturba Gandhi Balika Vidyalaya was opened by the Government of India and named after Kasturba Gandhi to commemorate her pious memory for providing dormitory education to girls belonging to ST, SC and the weaker section of the society. It is submitted that the claim of the petitioner is not tenable and he cannot insist upon naming the school in the name of her grand mother.

9. Learned counsel for the BEPC has submitted that in this building, it is virtually a hostel which is being run and is tagged with another school. It is named as Kasturba Gandhi Awasiya Vidyalaya.

10. Having heard learned counsel for the parties and on perusal of the records, this Court finds that one of the submissions of learned counsel for the petitioner is that the land



was gifted with specific averment in the gift deed that there would be a school opened on this land in the memory of the grand mother of the petitioner. The petitioner also claims that there was a policy of the Government to name the building in the name of the donor.

11. In such circumstance, this Court directs the District Magistrate, Kaimur at Bhabhua (respondent no. 4) to look into the grievance of the petitioner, examine the same in the light of the averments in the gift deed and the then policy of the Government in existence and take an appropriate view of the matter in accordance with the policy decision of the Government within a period of three months from the date of receipt/production of a copy of this Court.

12. This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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