

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5706 of 2023

=====

Bharat Kumar Kushwaha Son of Late Muneshwar Mahto Resident of Village-
Kothia Ray, P.S.- Suppi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Primary Education Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The District Education Officer, Sitamarhi.
4. The Block Education Officer, Suppi, District- Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Advocate
For the Respondent/s : Mr. S. D. Yadav, AAG-9

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 21-04-2023

1. The shifting back of a school to Kothia Ray Panchayat from Gopalpur is the relief claimed by way of the instant writ petition in the form of public interest litigation.

2. It is stated in the writ petition that the school was running in Kothia Ray Panchayat since 1959 and has now been shifted to Gopalpur, causing hardship and hindrance for the students due to the distance of the school from Kothia Ray Panchayat.

3. The writ petition does not even disclose the very basic fact as to when the school was shifted from Kothia Ray



Panchayat to Gopalpur. That apart, this Court would also take into consideration the fact that whether the school is at Kothia Ray Panchayat or at Gopalpur is an issue best left to the discretion of the Authorities who have to consider various relevant factors based on which a decision can be taken to situate a school at a particular place, instead of the other. If it is situated at location A, the students of location B would claim inconvenience and if it is situated at location B, students at location A would claim inconvenience. Whether the school is at location A or B is not an issue which the writ Court should decide by way of a public interest litigation.

4. This Court is, therefore, not inclined to proceed with the matter as a public interest litigation and the same is dismissed, leaving it for the petitioner to avail other remedies in accordance with law.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2023
Transmission Date	NA

