

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6921 of 2023

Arbind Kumar, Son of Sri Anup Yadav, Resident of Village and Post- Parora,
P.S.- Chhaurahi, District- Begusarai. Petitioner

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Magistrate, Begusarai.
4. The Deputy Collector, Land Reforms, Manjhaul, P.O. and P.S.- Manjhaul, District- Begusarai.
5. The Circle Officer, Chhaurahi, P.O. and P.S.- Chhaurahi, District- Begusarai.
6. The Block Education Officer, Chhaurahi, P.O. and P.S.- Chhaurahi, District- Begusarai.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Bipin Bihari Singh, Advocate
		Mr. Shyama Kant Singh, Advocate
For the State	:	Mr. Jitendra Kr. Roy 1, SC-13

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-06-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner in this case is the Headmaster of Ucha Madhyamik Vidyalaya, Parora in the district of Begusarai. He has raised a grievance over the communication of the Circle Officer, Chhaurahi as contained in Letter No. 235 dated 11.03.2023 addressed to the Block Education Officer, Chhaurahi (Annexure '12' to the writ application). By which the Circle Officer, Chhaurahi has cancelled the 'No Objection Certificate' issued in favour of the school vide Letter No. 676 dated 28.12.2017 in respect of 77 decimal of land.



Learned counsel for the petitioner submits that the 'No Objection Certificate' was issued by the Circle Officer after completing all the formalities and it would be evident from the communication as contained in Annexure '4' of the then Circle Officer that the description of the land as well as the decision of the Gram Panchayat Raj, Parora and Panchayat Samiti, Chhaurahi were duly made available to the Block Education Officer.

His contention is that in such circumstance before issuing the communication contained in Annexure '12' to the writ application, the Circle Officer, Chhaurahi was obliged to hear all the Stackholders and only after giving them an opportunity to submit their respective pleadings, any decision could have been taken.

Learned counsel for the State submits that on perusal of Annexure '10' which is Letter No. 218 dated 02.03.2023 written by the Circle Officer, Chhaurahi to the Deputy Collector, Land Reforms, Manjhaul (Annexure '10'), it would appear that the land in question perhaps fall within the jurisdiction of Ikamba Panchayat but the same is being used for the scheme of Parora Panchayat which has given rise to the representation.

Be that as it may, one thing which is evident from the records is that the 'No Objection Certificate' was given as back as on 28.12.2017 for the purpose of upgradation of Madhya



Vidhyalaya, Parora. An objection, if any in this regard seems to have been raised after few years. Under these circumstances, it was incumbent upon the Circle Officer, Chhaurahi to hear all the Stackholders i.e. persons who were raising objections and the persons in whose favour the 'No Objection Certificate' was issued. This petitioner who is the Headmaster of the school was not given any opportunity to represent his case.

In the circumstances, this Court directs the Circle Officer, Chhaurahi to keep the order as contained in Annexure '12' to the writ application in abeyance for the present, hear all the Stackholders by giving notice to them to appear on a particular date, hear them and then take a fresh decision. A reasoned decision shall be communicated to the Stackholders in this regard after hearing them within a period of three months from the date of receipt/production of a copy of this order.

In the meantime, the order as contained in Annexure '12' shall not be given effect to.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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