

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10355 of 2023

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Bipin Kumar, S/o Late Baleshwar Singh, R/o Village-Makanpur, P.O.-
Habbipur, P.S.- Hilsa, District-Nalanda-801302

... .. Petitioner/s

Versus

The State of Bihar Additional Chief Secretary, Department of Education,
Government of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Rai, Advocate
For the Respondent/s : Smt. Binita Singh, SC 28

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-10-2023

The writ petition is filed in public interest against
Annexure-1, Notification dated 23.06.2023 issued by the
Additional Chief Secretary, Department of Education,
Government of Bihar. The Notification refers to inspections to
be carried out in the schools so as to ensure the presence of
teachers and children, proper implementation of Mid-day Meal
Scheme, conditions of toilets and facility for drinking water and
so on.

2. The petitioner, an Advocate, seeks to challenge
the order on the ground that this would unnecessarily interfere
with the functioning of the teachers and would have a



deleterious effect on the departments from which the officials are sourced to carry out such inspection. The petitioner also relied on Annexure-4, judgment of this Court.

3. We were at the outset of the opinion that there could be no public interest litigation filed challenging the order issued. The inspection is said to be a measure intended at ensuring the presence of teachers and students as also proper facilities being provided to the children, for which the State is expending money. If at all, the inspections caused prejudice to any of the teachers, it is for them to individually challenge it and there cannot be any public interest litigation filed.

4. We have looked at Annexure-4 judgment, which was filed by the President of an Association of Teachers. Therein, the question was whether the members of a Social Working Committee of the Rural Organization called 'Jeevika' can supervise the functioning of the schools. It was found by their Lordships that the members of 'Jeevika' could be even illiterate women or the poor and downtrodden members of society, who would not be equipped to conduct any inspection of the schools. The aim and object of promoting 'Jeevika' was to create a kind of self-help group at village level so as to empower the socially and economically backward members of the



community. The supervision of schools carried out by a non-governmental organization was also frowned upon.

5. We do not think that neither the petitioner in the present writ petition has the same interest as the petitioner in Annexure-4 judgment, nor does the cause have any identity. We hence, dismiss the writ petition on the above reasoning; *in limine*.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Sujit/-

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CAV DATE	
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