

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13827 of 2023

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Prafulla Kumar Son of Rejendra Prasad, Resident of mohalla Darab Toli, P.S. Chowk, Patna City, Distt. Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary, Art, Culture and Youth Govt. of Bihar, Patna.
3. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
4. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
5. The District Magistrate, Patna.
6. The R.D.D.E, Patna
7. The Commissioner, Patna Municipal Corporation Patna.
8. The Sr. Superintendent of Police, Patna.
9. The Sub-Divisional Officer, Patna City, Patna.
10. The District Education Officer, Patna.
11. The Executive Officer, Patna Municipal Corporation, Patna City Division, Patna.
12. The District Sports Officer, Patna.
13. The Principal, Rajkiye Madhayamik High Court Patna City, Patna.
14. The S.H.O. Chowk, Patna City.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Respondent/s : Mrs. Binita Singh- SC-28

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

- 2 26-09-2023 1. Heard learned counsel for the parties.
2. The instant case in the nature of a public interest litigation has been filed by the petitioner, who claims himself to be a social worker, having no personal interest in the matter



praying for a direction to the respondents to restore the status of a playground of Rajkiye High School, Patna City for the reason that this is the only school playground in Patna City and which has produced several national players of football. A further prayer has been made to implement the order passed by the District Magistrate, Patna as contained in memo no. 5448 dated 5.7.2022.

3. Learned counsel for the petitioner submits that the petitioner moved this Court earlier in CWJC no. 17459 of 2021 which was disposed of by order dated 5.10.2021 with certain directions to the respondent authorities. The directions not having been complied with, the petitioner filed a contempt application being MJC no. 638 of 2022. This Court taking into consideration the order dated 5.7.2022 passed by the District Magistrate, Patna, on the representation of the petitioner, disposed of the contempt application by order dated 31.7.2023.

4. Learned counsel for the petitioner submits that the directions of the District Magistrate as contained in his order dated 5.7.2022 are not being complied with by the Principal of school, for the reason of his not taking any interest in the matter.

5. Having heard learned counsel for the parties and having perused the material on record, it transpires that by order



dated 5.7.2022 an order was passed by the District Magistrate taking into consideration the points raised by the petitioner in his representation. Appreciating the contentions of the petitioner, the District Magistrate directed the petitioner to bring his suggestions to the knowledge of the Principal of the school who will raise the issues at the proper stage at the appropriate level.

6. Besides the respondents having taken steps in the matter, so far as the prayer made in the instant application is concerned, the Court is of the view that the same would fall within the domain of the policy decision of the respondents for which the respondents will take a decision at their own level after getting requisite feedback from all concerned.

7. In the opinion of this Court, a public interest litigation will not be maintainable for the prayer made in the instant application and the same is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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