

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4021 of 2024

Dr. Lakshmi Narayan Mandal son of Late Nagendra Prasad Mandal, Resident of village-Baskhora, P.S. Marouna, District-Supaul at present residing Mohalla-Devpuri, Khajpura, Rukanpura, P.S. Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The Regional Deputy Director, Education Department, Saharsa.
5. The District Magistrate, Supaul.
6. The District Education Officer, Supaul.
7. The District Programme Officer, Supaul.
8. The Block Education Officer, Marouna, P.S. Marouna, District-Supaul.
9. The Headmaster, Upgraded Middle School, Baskhora, P.S. Marouna, District-Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Verma, Advocate
For the Respondent/s	:	Mr. Standing Counsel 28

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 10-05-2024

Heard the parties.

2. The present writ petition by way of public interest litigation under Article 226 of the Constitution of India, seeks a direction upon the respondents to make necessary arrangement of fund for construction of school building of Upgraded Middle School, Baskhora, Marouna situated within the District of Supaul. The writ petitioner also seeks a direction upon the



respondent to complete the construction of school building in the shortest period of time, as in the absence of infrastructure and the building, the students are deprived from their Right to Education.

3. The learned Counsel for the petitioner contended that taking a benevolent approach a villager of the village Baskhora had gifted his five *katha* of land to the Government vide registered Sale Deed No. 2472/1986 for construction of school building.

4. Pursuant to the decision taken by the Government, necessary amount was allotted and accordingly, the school building was constructed way back in the year 2006-2007. As the standard quality materials were not used in the construction, the condition of the building started deteriorating and got damaged within few years. The Headmaster of the School informed the District Programme Officer, disclosing the dilapidated condition of the school building and requested to do the needful. The matter has also been placed in the floor of the Legislative Assembly, however, despite the assurance given by the Hon'ble Minister, Education Department, Government of



Bihar nothing was done. The petitioner and other villagers have written several letters, finally the petitioner learnt through newspapers that necessary allotment has been made for construction of the school building.

5. Irrespective of the allotment, when the work of the construction could not be started, the petitioner has again requested to all the higher authorities including the Additional Chief Secretary, Education Department, Government of Bihar to look into the matter so that the studies of the students are not jeopardized.

6. In compliance with the order of this Court, a counter affidavit has been filed on behalf of the respondent no. 7. It is informed to this Court that taking note of the poor condition, a prefab structure has been ordered vide Letter No. 13 dated 09.04.2024 and the work has already been started. Learned Counsel for the State further urged before this Court that besides the repairing of the earlier damaged construction, a proposal for construction of an additional building with an estimated cost of Rs. 14,70,000/- has been sent to the District Education Officer. The construction will be done after inviting



the tender just after completion of the Lok Sabha Election. It has also been averred that on account of a dispute with respect to the land, over which the construction was made. The construction was opposed by the family members of Nasib Lal Yadav, who had executed the gift deed in favour of the State for construction of school. The dispute has also been resolved after the measurement is made by the Circle Officer, Marauna who vide its Letter No. 420 dated 15.04.2024 reported that five *katha* of land is already available as per the said gift deed. The report has also been produced as Annexure-R7/C. The respondent authorities also assures that the construction of the school building will be started shortly and the same will be done within a reasonable period.

7. The averments made in the counter affidavit and the contention of the respondents themselves that the steps are being taken to get the school building repaired and further the construction of additional room/building agreed to be done within a reasonable period of time settles the issue agitated. Moreover, it has been informed to this Court that out of six classrooms, two are in good and workable condition in which



the classes are being non carried on.

8. The writ petition stands closed with the hope and expectation that the building of the school shall be repaired, renovated and constructed, with quality, as early as possible.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2024.
Transmission Date	NA

