

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7545 of 2024

Chandra Mohan Jha Son of Lakshmi Kand Jha, resident of village - Marar,
Ward No. 23, Jitwarpur, P.S. Rahika, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director (Primary Education) Education Department, Govt. of Bihar, Patna.
4. The District Collector, Madhubani.
5. The District Education Officer, Madhubani.
6. The District Programme Officer, Primary Education and Sarva Shiksha Abhiyan, Madhubani.
7. The District Programme Officer (Scheme and Account), Madhubani.
8. The State Project Director, Bihar Education Project Council, Shiksha Bhawan, Rastrabhasa Parishad Campus Saidpur, Rajendra Nagar, Patna.
9. The Civil Work Manager, Bihar Education Project Council Shiksha Bhawan Rastrabhasa Parishad Campus Saidpur, Rajendra Nagar, Patna.
10. The Headmaster Upgraded Middle School Marar, Block Rahika, District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra, Advocate
For the Respondent/s : Mr. P K Shahi, AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 10-05-2024

Invoking the extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India, the petitioner filed the present writ petition by way of public interest litigation seeking a direction upon the respondent to take legal action against the concerned Headmaster, Members of Construction



Committee, Technical Supervisor, who are said to be responsible for sub standard construction of the extra classrooms in upgraded Middle School, Marar.

2. It is the contention of the petitioner that the construction was not done in view of the estimate, quality and direction of the State Project Director, Bihar Education Project Council leading to huge misappropriation of public money. It is also contended that necessary legal action for recovery of the misappropriated amount from the responsible person engaged in the said construction work is required to be done, to meet the ends of justice.

3. The materials available on record demonstrate that the upgraded Middle School, Marar, Block – Rohika in the district of Madhubani was initially constructed some time in the year 2006-07. Thereafter, in the financial year 2010-11 for construction of extra three classrooms, an estimate of Rs. 10,89,000/- was made, which could not be done as per the estimate and standard quality, was the contention of the petitioner. The petitioner approached before the District Public Grievance Redressal Officer, Madhubani, who vide its order dated 11.10.2018, produced as Annexure-3 to the writ petition directed the public authority to take action against the guilty



person, in accordance with law and dispose of the case.

4. The petitioner had also approached before the First Appellate Authority-cum-Divisional Commissioner, Darbhanga for redressal of his grievance and finally the appeal was dismissed. The petitioner has been pursuing his efficacious remedy before all the authorities concerned and it is for the respondent authorities to consider the complaint on the basis of the available materials in relation to the construction of school building of the year 2010-11. In such circumstances, the writ petition does not warrant entertainment as the complaint of the petitioner is within the domain of the state respondents and cannot be dealt with in a public interest litigation. Moreover, the persons, said to be responsible for sub standard work, have not been made parties in the writ petition.

5. This Court cannot find any merit in the writ petition, accordingly the writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

shivank/-

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

