

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2789 of 2017

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Sheo Shankar Prasad Son of Late Ram Dahin Prasad, Resident of Village-Pratappur, P.S.-Kurtha, District-Arwal.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resources Development Department Govt. of Bihar, Patna
2. The Director, Primary Education, Bihar, Pant
3. The District Magistrate, Arwal.
4. The District Programme Officer, Arwal
5. Block Development Officer, Kurtha, District-Arwal.
6. Block Education Officer, Kurtha. District-Arwal.
7. Upgraded Middle School, Pratappur, P.S.-Kurtha, District-Arwal through its Incharge Headmaster.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh
For the Respondent/s : Mr.Smt. Binita Singh- Sc28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 24-09-2024 1. The petitioner has challenged the order dated 22.07.2016 passed by District Magistrate, Arwal, whereby the representation of the petitioner has been rejected for declaring the name of the Utkramit Madhya Vidyalaya, Pratapur, Arwal in the name of the petitioner as the petitioner has donated 20 decimal of land for the said school.

2. Learned counsel for the petitioner submits that a notice was published by the Principle Secretary, Human Resource Development Department in the newspaper on 22.03.2010 inviting donation of 20 decimal and 1.5 acres of land for the purpose of primary as well as secondary school with the



stipulation that the name of the School would be declared in the name of the donor of the land. In pursuance thereof the petitioner was willing to donate 20 decimal of land. Accordingly, General Body (Aam Sabha) of the Gram Panchayat requested the petitioner to donate 20 decimal of land for the Upgraded Middle School, Pratappur.

3. The petitioner donated the land for establishment of the school and executed deed of gift in the name of the Hon'ble Governor of Bihar and gift deed was executed on 05.08.2010 in his favour. Mutation of the donated land was also done in the name of the Upgraded Middle School. The petitioner had approached this Court earlier in CWJC No. 13388 of 2013 for declaring the school in the name of the petitioner and a Bench of this Court vide order dated 03.05.2016 referred the matter before the District Magistrate for consideration of the the claim of the petitioner and to dispose the same in accordance with law. In pursuance thereof the impugned order dated 22.07.2016 has been passed by the learned District Magistrate whereby the claim of the petitioner has been rejected on the ground that the petitioner has given 20 decimal of land and as per the circular dated 03.04.2013 the school shall be declared in the name of the donor in relation to primary school up to 20 decimal and middle



school up to 50 decimal.

4. In the present matter the petitioner has admittedly given donation of 20 decimal of land for middle school and not for the primary school and as per the circular of the Government which has been reiterated in 2023 also vide circular dated 31.01.2023 the name of the petitioner on stone plank has been fixed in front of the school.

5. Having heard learned counsel for the parties, I come to the conclusion that there is no infirmity in the impugned order passed by the District Magistrate, Arwal. The petitioner has donated only 20 decimal of land for the middle school. 50 decimal of land is required to be donated if the donor wants the school to be declared in his name.

6. Accordingly, this application is dismissed.

(Anil Kumar Sinha, J)

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