

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11856 of 2024

1. Bhavesh Kumar Son of Bijendra Yadav, Resident of Village- Baluwaha Block- Sattarkataiya, P.S. and District- Saharsa.
2. Jawahar Yadav, S/o Late Dipo Yadav, Resident of Village- Baluwaha Block- Sattarkataiya, P.S. and District- Saharsa.
3. Rajendra Yadav, Son of Late Munnilal Yadav, Resident of Village- Baluwaha Block- Sattarkataiya, P.S. and District- Saharsa.
4. Phuleshwar Yadav, Son of Late Guneshwar Yadav, Resident of Village- Baluwaha Block- Sattarkataiya, P.S. and District- Saharsa.
5. Tarun Kumar, Singheshwari Yadav, Resident of Village- Baluwaha Block- Sattarkataiya, P.S. and District- Saharsa.
6. Bipin Kumar, Son of Yadunandan Yadav, Resident of Village- Baluwaha Block- Sattarkataiya, P.S. and District- Saharsa.
7. Narsingh Kumar, Son of Late Siyaram Yadav, Resident of Village- Baluwaha Block- Sattarkataiya, P.S. and District- Saharsa.
8. Pintu Kumar, Son of Hukumlal Yadav, Resident of Village- Baluwaha Block- Sattarkataiya, P.S. and District- Saharsa.
9. Vijay Kumar, Son of Late Upendra Yadav, Resident of Village- Baluwaha Block- Sattarkataiya, P.S. and District- Saharsa.
10. Rasil Kumar, Son of Chandrakishore Yadav, Resident of Village- Baluwaha Block- Sattarkataiya, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Development Department, Bihar, Patna.
2. Secretary Human Resources Development Department, Bihar, Patna.
3. Director Primary Education, Bihar, Patna.
4. District Magistrate, Saharsa.
5. Sub-Divisional Magistrate, Saharsa.
6. District Education Officer, Saharsa.
7. District Programme Officer (Primary Education), Saharsa.
8. Block Development Officer, Block Sattarkataiya, District Saharsa.
9. Block Education Officer, Block Sattarkataiya, District Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Diwakar Prasad Singh, Advocate
		Mr. Amardeep Lokpriya, Advocate
For the Respondent/s	:	Mr. Vikas Kumar, AC to AG



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 14-08-2024

The Public Interest Litigation is filed against the merger of a Primary School with a Middle School.

2. The contention of the petitioners is that the Primary School has been shifted 2 Kms. away which causes undue hardship to the children. The petitioners also contend that there is a barren land available, the status of which is Gairmajarua Aam, wherein there could be a construction of the Primary School; which was earlier carried on in a Community Hall.

3. Admittedly, the Director of Primary Education, Respondent No. 3 has taken a decision by which schools who do not have their own land and building are merged with the nearest school.

4. The learned Government Pleader also submits that the school run in a Community Hall was sought to be shifted and merged with the Middle School.

5. Merger of schools and construction of buildings are strictly within the policy domain of the Government. Merely because a barren land is available, it cannot be said that the Government should construct a school building there. There are



very many aspects to be considered including financial viability when construction of school buildings or in the alternative, merger of schools are decided. These decisions cannot be precipitated by judicial orders.

6. Further the grievance is that the merger will result in primary children travelling 2 Kms., which in our perception is not too much. Whether on foot or on wheels, commuting with others of their age, encourage bonding, ensure camaraderie and educate children on the merits of group activity.

7. We find absolutely no reason to entertain the writ petition, which is filed as a Public Interest Litigation and we dismiss the same.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	22.08.2024
Transmission Date	

