

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3274 of 2024

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Baidyanath Mukhiya son of Late Badair Mukhiya, resident of Village-Kaithwar, P.S.-Sakatpur, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, Secondary Education, Government of Bihar, Patna.
2. Deputy Development Commissioner, Darbhanga.
3. District Education Officer, Darbhanga.
4. District Programme Officer (Secondary Education), Darbhanga.
5. Circle Officer, Tardih, District-Darbhangha.
6. Block Education Officer, Tardih, District-Darbhangha.
7. In-Charge Head Master Plus 2 Rajkiyakrit Patel High School, Narayanpur, District-Darbhangha.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Mahasweta Chatterjee
For the Respondent/s : Mr. Dhurjati Pd. Singh, Government Pleader 14

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 08-07-2025 1. Heard learned counsel for the petitioner, Mrs. Mahasweta Chatterjee and learned GP-14 for the State, Mr. Dhurjati Prasad Singh.

2. Learned counsel appearing on behalf of the petitioner submits that Rajokhar Pokhar having an area 24 bigha, 10 katha, 7 dhur is situated within the campus of +2 Rajkiyakrit Patel High School, Narayanpur. It is submitted that the aforesaid Pokhar was settled with one Dev Kala Devi without following any procedure. It is next submitted that the settlement of the aforesaid Shairat was made with Dev Kala



Devi with effect from 01.07.2018 to 30.06.2028 (Annexure- P/3 to the writ application). It is next submitted that Dev Kala Devi is wife of the then Headmaster of the aforesaid School, as such, the said Shairat initially was also settled with her with effect from 01.07.2018 to 30.06.2023 and thereafter again from 01.07.2023 to 30.06.2028. It is next submitted that the settlement of Shairat from 01.07.2023 to 30.06.2028 was made by the then In-charge Headmaster. It is next submitted that an objection was filed by one Trilochan Sinha with regard to the settlement of the aforesaid Shairat in favour of Dev Kala Devi, as such, Letter No. 192 dated 01.08.2023 was issued by the In-charge Headmaster of the +2 Rajikyakrit Patel High School, Narayanpur restraining Dev Kala Devi from going to the aforesaid Shairat. It is further submitted that Dev Kala Devi moved before this Court by filing C.W.J.C. No. 14951 of 2023 challenging the Letter No. 192 dated 01.08.2023 issued by the then In-charge Headmaster restraining her from going to the Shairat. It is submitted that the learned Co-ordinate Bench of this Court by an order dated 08.12.2023 in C.W.J.C. No. 14951 of 2023 stayed the operation of Letter No. 192 dated 01.08.2023 issued by the In-charge Headmaster of the +2 Rajikyakrit Patel High School. It is next submitted that no doubt once the restraint



order was stayed by this Court, Dev Kala Devi was free to use the Shairat as the same was settled in her favour till 30.06.2028.

3. The learned counsel for the petitioner asserts and submits that after the restraint order passed by the In-charge Headmaster of the +2 Rajikyakrit Patel High School contained in Letter No. 192 dated 01.08.2023 was stayed by this Court, thereafter, the District Education Officer, Darbhanga vide his order contained in Memo No. 1334 dated 19.08.2023 cancelled the settlement made in favour of Dev Kala Devi. It is submitted that order cancelling the Shairat has not been challenged by Dev Kala Devi before any forum, but then the District Education Officer, Darbhanga in garb of order dated 08.12.2023 passed in C.W.J.C. No. 14951 of 2023 is not issuing orders for making fresh settlement of the aforesaid Shairat, as such, the instant writ application has been filed for a direction upon the respondent nos. 5 to 7 to take steps for settling the aforesaid Shairat.

4. The learned counsel appearing on behalf of the State submits that a counter affidavit was earlier filed on behalf of the respondent nos. 3, 4 and 6, but then the case was taken up on 16.06.2025, when the aforesaid order was recorded based on which time was sought for seeking further instruction in the matter that when Shairat settled in favour of Dev Kala Devi was



cancelled in the year 2023 itself then why till date the same has not been settled.

5. The learned State counsel next submits that a supplementary counter affidavit on behalf of respondent no. 4 has been filed after seeking instruction in the matter in pursuance of the order dated 16.06.2025. It is submitted that from perusal of Para-9 of the supplementary counter affidavit filed on behalf of respondent no.4, it would manifest that the same records-that it is respectfully stated and submitted here that, the answering respondent vide Letter No. 329 dated 04.07.2025, written to the respondent Circle Officer, Taradih for fresh settlement of the pond in question (Annexure- E to the supplementary counter affidavit).

6. The learned counsel appearing on behalf of the petitioner submits that no doubt the respondent no. 4 has issued letter dated 04.07.2025 addressed to the Circle Officer, Taradih for settling the Shairat afresh, but then despite cancellation of Shairat made in favour of Dev Kala Devi in the year 2023 itself, till now the Shairat has not been settled. It is submitted that the Circle Officer, Taradih be directed to ensure fresh settlement of the aforesaid Shairat in terms of the letter dated 04.07.2025 issued by the respondent no. 4 within a time frame, on which the



learned State counsel submits that the writ application can be disposed of in view of the aforesaid terms.

7. After hearing the learned counsel for the parties, **the writ application is disposed of** with a direction to the District Education Officer, Darbhanga (respondent no. 3) and the Circle Officer, Taradih (respondent no. 5) to ensure that letter dated 04.07.2025 (Annexure- E to the supplementary counter affidavit) is complied in its true letter and spirit within a period of three months from the date of receipt/production of a copy of this order.

8. The supplementary counter affidavit filed on behalf of respondent no. 4 is taken on record.

(Satyavrat Verma, J)

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