

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5959 of 2025

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Avadhesh Kumar Gupta, male, aged about 57 years, S/o Madan Sah, R/o Village Chapahari, P.S.-Rupauli, District-Purnea.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Human Resource Development Department, Government of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary, Human Resource Development Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
4. The District Education Officer, Purnea.
5. The Block Education Officer, Ruapuli, Purnea.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Deepak Kumar, Advocate
For the Respondents : Mr. P.K. Shahi, Advocate General

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 25-11-2025 In the instant petition, the petitioners pray for the following relief(s):-

“For commanding the respondent authorities to construct the building of the school and not to merge Primary School, Majidganj Tola, Chapahari and Primary School, Sugani Tola into the Middle School, Chapahari as the Middle School, Chapahari situates at a distance of not less than 3 Kms. from Primary School, Majidganj Tola and Primary School, Sugani Tola and the connecting road is over burdened with the traffic where the heavy vehicles are



passing and the students being minor child are not in a position to travel from Primary School, Majidganj Tola and Primary School Sugani Tola to Middle School, Chapahari where the major population is very poor people and from schedule caste population are residing and are not in a position to afford the conveyance for their children and passing through on foot is a very unsafe for children of poor people specially when the Primary School, Majidganj Tola is having its landed property of not less than one Bigha and 400 minor students are admitted in Primary School, Majidganj Tola and 500 students are admitted in Primary School, Sugani Tola but these two schools do not have its own building and therefore, both the schools have been merged with Middle School, Chapahari. Resultantly, the students being the wards of very poor people would not in a position to attend their classes at a distance of 3 Kms. from their home.

AND

The respondent authorities may be directed to construct the building of the school over the land of one Bigha of Primary School, Majidganj Tola and also the building of Primary School, Sugani Tola, Chapahari.”

2. A counter affidavit has been filed on behalf of Respondent No.3 and in the said affidavit, the following statements have been made in paragraph Nos.5 to 15:-



“5. That at the outset, it is humbly stated that the petitioner is claiming that both the schools (Primary School, Majidganj Tola and Primary School, Sugani Tola) is having its own land of not less than one Bigha, but as per the report submitted by the local administration, both the schools have no land of their own, the details of which is being produced herein below.

As per the report of local administration, the distance between the Primary School, Majidganj Tola with that of the merged school i.e Middle School, Chapahari is about one Km and the distance between the Primary School, Sugani Tola with that of merged school ie Middle School, Chapahari is about two Km. Hence the contention of the petitioner that the distance is about 3 Km is wrong.

That present PIL has been filed without examining the matter and doing appropriate homework, which has been consistently reprimanded by the Hon'ble Supreme Court, therefore on this score only, the present PIL is fit to be dismissed by an order of this Hon'ble Court.

6. That apart, it is humbly stated that the department vide letter no. 971 dated 04.06.2025 has requested the District Education Officer, Purnia to submit a report with respect to the issues raised by the petitioner, in the present PIL.

7. That it is humbly stated that the Block Education Officer, Rupauli vide letter no. 206



dated 05.06.2025 has submitted a report to the District Education Officer, Purnia, stating the following facts regarding the two school in question:

. Both the schools in question has neither their own land or building.

. The distance between the Primary School, Majidganj Tola with that of the merged school ie Middle School, Chapahari is about one Km and the distance between the Primary School, Sugani Tola with that of merged school ie Middle School, Chapahan is about two Km.

. As both the school in question has no land of their own, hence the Principals had pursued the villagers of the area falling under these two schools, to provide land has failed to motivate any person to donate land for the schools.

. Earlier also these two schools were attached with the Middle School, Chapahari.

. Since both the schools had no land of their own, hence as per the direction of the Director, Primary Education contained in memo no. 216 A dated 16.02.2024 and consequent direction of the District Education Officer, Purnia contained in memo no 921 dated 31.03.2024, both the schools in question were merged with the Middle School, Chapahari.”

8. That it is humbly stated that now the answering respondent is stating the background of merging the primary schools (not having land of their own which were run by tagging with the nearby Primary or Middle Schools.)



9. That it is humbly stated that in the past, the State Government established 21,000/- new Primary Schools Lands and buildings were provided for them but for some of the schools, land were not provided hence were run by tagging them with nearby Primary or Middle Schools.

10. That it is humbly stated that the State Government procured the list of such schools having no land of their own and being run by tagging them with nearby Primary or Middle Schools, from each district. After examining the said list, it was found that running different schools in one building, having excess teachers corresponding to the number of students, having separate MDM scheme, having different registers for different work, are preventing the optimum utilization of the human resources and other resources In addition to that by conducting different schools in a building, several practical problems are coming in operating the schools.

Hence a policy decision was taken to merge such schools with the nearby Primary Schools or Middle Schools having their own land and building.

11. That it is humbly stated that the district of Purnia supplied the list of 244 such schools (not having land and building), which include the two schools in question, which were running by tagging them with either primary schools or with middle schools having their own land and



building.

As stated in the preceding paragraph, both the schools were running by tagging them with the nearby Middle School, Chapahari.

12. That it is humbly stated that the Directorate of Primary Education vide order contained in memo no. 216 A dated 16.02.2024, merged such schools with the nearby primary and middle schools.

13. That it is humbly stated that in pursuance of the aforesaid decision, the District Education Officer, Purnia vide memo no. 921 dated 31.03.2024 directed all the Block Education Officers of the said District to implement the aforementioned decision.

14. That it is humbly stated that in view of the above both the schools, alongwith others schools have been merged with the Middle School, Chapahari, in order streamline the functioning of the schools and to get optimum utilization of the limited resources, vide officer order contained in memo no.264 dated 02.04.2024 (Annexure-P/1 of the present writ application).

15. That it is humbly stated that the aforesaid facts were supplied by the District Education Officer, Purnia vide letter no. 206 dated 06.06.2025.”

3. Considering the materials on record, it appears that 21,000 schools have been merged in accordance with the policy decision of the State Government so as to ensure proper



education for the children of the State of Bihar. Since the issue relates to the policy matter of the State, this Court does not find any ground to interfere with the same and pass any further order.

4. Accordingly, this writ petition stands disposed of.

5. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J.)

Gaurav Kumar,
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