

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.45 of 2017

Punam Kumari Wife of Sri Ramlal Singh, Resident of Village - Maurat, P.S. - Ratwara, Alamnagar, District – Madhepur. At present the then Mukhiya, Gram Panchayat - Kishanpur Ratwara, P.S. - Alamnagar, District - Madhepura.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Regional Deputy Director of Education, Koshi Division, Saharsa.
3. The Divisional Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Madhepura.
5. The District Education Officer, Madhepura.
6. The District Programme Officer, Elementary Education and Sarva Siksha Abhiyan, Madhepura.
7. The Sub Divisional Magistrate, Udakishunganj, District - Madhepura.
8. The Block Education Officer, Block Alamnagar, District - Madhepura.
9. The Block Development Officer, Alamnagar, District - Madhepura.
10. The Anchal Adhikari, Alamnagar, District - Madhepura.
11. The Headmaster, Madhya Vidyalaya, Maraut, Block Alamnagar, District - Madhepura.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar, Advocate Mr. Anant Kumar-1, Advocate
For the Respondents	:	Mr. S.S. Tiwary, AC to AAG-15

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

13 07-08-2025 Heard learned counsel for the petitioner and learned counsel for the respondent-State.

2. In the present case, the dispute is with regard to the site where the Government middle school should be located. The middle which was earlier at Muraut in Gram Panchayat Kishanpur, Ratwara Block Alamnagar, District Madhepura was submerged in water due to flood. The question therefore arose



for reallocation of the school. From the pleadings of the parties, it appears that there are two factions, one which is proposing that the school should run on Plot No. 465 (petitioner), whereas the other faction proposes different site. Earlier, the District Planning Officer had approved the reallocation of the school on the site which was proposed by the other faction (not the petitioner). The petitioner being aggrieved had filed a writ application bearing CWJC No. 4233 of 2012, in which by order dated 06.04.2012 (Annexure- 12) the matter was remanded back to the District Magistrate, Madhepura to call for a report from the District Education Officer as well as District Programme Officer, Elementary Education and *Sarva Shiksha Abhiyan*, Madhepura and consider the application of the petitioner who was wanting reallocation of the school at another site and thereafter, to pass a speaking order swiftly in guidelines with the Principal Secretary, Human Resources Development Department. By the said order of this Court dated 06.04.2012 (Annexure-12), it was however, made clear that if the school had already been reallocated and was functioning, then nothing further was required to be done. The petitioner was allowed to file a representation within a period of one month along with documents.



3. It is contended by learned counsel for the petitioner that in terms of the liberty granted by the order dated 06.04.2012 (Annexure-12), passed in CWJC No. 4233 of 2012, the petitioner had filed a representation dated 21.04.2012 (Annexure-13) and it is this representation which has once again been rejected by order dated 24.08.2019 (Annexure- 'A' of the counter-affidavit) filed by the respondent-State, which has been passed by District Magistrate, Madhepura.

4. Strangely, the petitioner has not challenged this order dated 24.08.2019 passed by the District Magistrate, Madhepura and without challenging this order, the petitioner is seeking this kind of relief which he has prayed for in paragraph no. 1 of this writ application.

5. The reliefs prayed for by the petitioner are as follows:

“(i) For issuance of appropriate writ, of order/ direction in the nature Certiorari for quashing of report Contained in Letter No. 280 dated 21.5.2012 (Annexure -14) issued by the District Programme Officer, Prathmic Sikhha and Sarva Sikhha Abhiyan, Madhepura whereby it was reported that Middle School Murauat, in Gram Panchayat, Kisanpur Ratwara Block Alamnagar, District Madhepura should be established / reallocated in a place where majority of displaced persons reside there in by reiterating the old stand taken by the District Programme Officer, Madhepura contained in Memo No. 11 dated 6.1.2012 and order dated 5.1.2012



(Annexure-10) passed by the District Magistrate, Madhepura where it was directed that Middle School, Muraut should be established where majority of displaced persons reside therein of adopting the first proposal Radheshyam Sharma in view of the order dated 6.4.2012 (Annexure-12) passed in C. W. J.C. No. 4233 /2012 by this Hon'ble Court.

(ii) For issuance of appropriate writ, order/ direction in nature the of Certiorari for quashing of consequential Letter No. 1906 dated 5.9.2016 (Annexure -16) issued by the District Programme Officer, Madhepura addressed to the Block Education Officer, Alamnagar whereby it was reiterated that Middle School, Muraut should be established where in majority of displaced persons resides therein and Construction of building of the school would be made there upon.

(iii) For issuance appropriate writ, order/ direction for quashing of consequential letter dated 7.9.2016 (Annexure- 17) issued by the Block Education officer, Alamnagar to In charge Headmaster, Middle School Murat whereby he was directed to start Construction over the site proposed at once.

(iv) For issuance appropriate writ, order/ direction to the District Magistrate, Madhepura (Respondent No. 4) to start/ reallocate Middle School, Muraut at a place bearing Khata No.01 Khesra No. 423 measuring area of 44 dec. of lands said to be donated by Mahabir Singh as proposed on Joint Report contained 1104 dated 22.12.2011 (Annexure -8) submitted by the District Programme Officer, Madhepura, Sub Divisional Magistrate, Madhepura and District Education Officer, Madhepura which is in consonance with the circular issued by the Department Human Resources, Govt. of Bihar (Annexure -11) which was ignored to be considered by the District



Magistrate, Madhepura.

(v) For issuance of appropriate writ, order/ direction in the nature of Mandamus Commanding the Respondents to establish/ reallocate the Middle School, Muraut at Muraut Village itself for which Sri Pratap Singh had agreed to donate lands at Mauza Muraut, Khata No. 294 Khesra No. 498 area 0.45 dec. of lands as the families of Ward No. 13, 14, 15 and 16 of Muraut village reside there because the possibility of flood has completely vanished as the current of the Koshi River has been directed towards distant place in view of letter No. 72-2 dated 19.1.2016 (Annexure -15) issued by the Block Development Officer, Alamnagar to District Education Officer, Madhepura and District Programme Officer, Establishment, Madhepura.

(vi) Any other relief or reliefs for which the petitioner is entitled in the eye of law.”

6. Considering the fact that the main order dated 24.08.2019, passed by the District Magistrate, Madhepura has not been challenged by the petitioner. The writ petition filed by the petitioner is completely misconceived and therefore dismissed.

7. Accordingly, the present writ petition stands dismissed.

(Alok Kumar Sinha, J)

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