

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14996 of 2023

Prbhunath Singh son of Late Mahendra Singh, resident of Village and P.O.-
Kaituka Lachhi, P.S.-Amnour, Anchal-Maker, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Director of Secondary Education, Directorate of Secondary Education, Government of Bihar, Budh Marg, Patna.
4. The Collector-cum-District Magistrate, , Saran at Chapra.
5. The Regional Deputy Director of Education, Saran Division, Chapra.
6. The District Education Officer, Saran at Chapra.
7. The District Programme Officer (Establishment), Saran at Chapra.
8. The Block Education Officer, Maker, Saran at Chapra.
9. The School Managing Committee through its Secretary-cum-Head Master, High School-cum-Inter College, Kaituka Lachhi, Maker, Saran.
10. The Headmaster, High School-cum-Inter College, Kaituka Lachhi, Maker, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan
For the Respondent/s : Mr.Subhash Chandra Mishra (Sc16)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-04-2025 1. Heard learned Counsel for the parties concerned.
2. The present writ application has been filed for quashing
memo no. 1602, dated 08.08.2023, whereby the name of
the school, given by the District Education Officer Saran,
vide memo no. 900, dated 28.07.2023, as “Babu Bachchu
Narayan Singh High School -cum- Inter College, Kaituka
Lachhi, Block - Maker”, has been cancelled.



3. Learned Counsel for the petitioner submits that the petitioner had earlier filed a writ application, bearing CWJC No. 6643 of 2023, for a direction to the respondent authorities to rename the High School -cum- Inter College, Kaituka Lachchi, Block – Maker in the name of his grandfather, who had donated the land for establishment of the school in question in the name and style of “Babu Bachchu Narayan Singh High School -cum- Inter College, Kaituka Lachchi, Block – Maker”. The writ application was heard and dismissed on the ground that the cabinet decision was not brought on record by the petitioner. The petitioner, subsequently, filed a representation before the District Education Officer, Saran, and in view of the Cabinet decision, bearing Resolution No. 6, dated 31.01.2023, the school, in question, was renamed as “Babu Bachchu Narayan Singh High School -cum- Inter College, Kaituka Lachchi, Block – Maker”, vide Annexure 4, dated 28.07.2023. However, by the impugned order, the order, dated 28.07.2023, has been cancelled on the ground that the writ application of the petitioner was dismissed on merit.
4. Learned Counsel for the State submits that the present



writ application is barred by *res judicata* inasmuch as for same cause of action, the petitioner had approached this Court and this Court dismissed the writ application on merit by observing that the writ application is nothing but a misconceived kind of application filed by the petitioner. The school, in question, was established in the year 1961 and since 1961, at no stage, any step was taken by the petitioner for renaming the school, in question, in the name and style of “Babu Bachchu Narayan Singh High School -cum- Inter College, Kaituka Lachchi, Block – Maker” and he remained satisfied. Accordingly, this Court also observed that such issues cannot be allowed to be opened by filing a writ application. He further submits that pursuant to the direction of the District Education Officer, Saran, the Headmaster submitted a report, dated 21.07.2023, stating that no registered sale deed/gift deed was available in the school records regarding the gift/donation of the land for establishment of the school, in question.

5. Having heard learned Counsel for the parties concerned and considering the fact that for the similar relief, the petitioner had approached this Court earlier by filing



CWJC No. 6643 of 2023, which was dismissed on 22.06.2023, holding that the writ application was nothing but misconceived and such issues cannot be allowed to be opened by filing a writ application, accordingly, the present writ application for the similar relief on the ground that in the first writ application, copy of the cabinet decision was not brought by the petitioner, is barred by constructive *res judicata*. The petitioner cannot be allowed to file successive writ application for the relief which was already refused by this Court.

6. In the result, this writ application is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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