

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4235 of 2026

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Rajeshwar Singh Son of Byash Singh, R/o Village- Hasanpura, P.S.- Obra,
District- Aurangabad, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through Additional Chief Secretary Department of Education Govt. of Bihar, Patna.
2. The Director Primary School, Govt. of Bihar, Patna.
3. The District Magistrate, Aurangabad, Bihar.
4. The District Education Officer, Aurangabad, Bihar.
5. The District Planning Officer, Aurangabad, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Harendra Kumar Singh, Advocate Mr. Ranjit Kumar, Advocate Mr. Ashok Kumar, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-04-2026

This writ petition, in the nature of Public Interest Litigation, has been filed by the petitioner Rajeshwar Singh seeking for the following relief(s):

“i. For issuance of writ in the nature of mandamus commanding and directing the respondent authorities to obstruct the construction of new building of Primary School at Hasanpur that is 1 ½ km. away from the village and to allow the construct of on new building at Government vacate land beside Govt. Middle School, Hasanpura.



- ii. *For directing the respondents authorities to stop the proposal of construction of new building of Primary/Middle School that is located in another village that is inconvenient for the children of village Hasanpura.*
- iii. *For any other relief/reliefs to which the petitioner may found entitled to the fact and circumstances of the writ application.*

2. Having heard learned counsel for the parties and perused the materials on record, this Court finds the petition devoid of merit. It is a settled principle of law that the establishment, location and infrastructure development of educational institutions fall within the exclusive domain of the State Government. The authorities are best placed to assess the broader educational needs of a district. While the petitioner claims to represent the interests of the children of Hasanpura, the proximity of a school, i.e. 1.5 km, does not constitute a violation of fundamental rights, nor does it demonstrate failure of the 'Right to Education' framework. The choice of one Government site over another is an administrative decision and not a matter of judicial scrutiny, unless tainted by gross illegality or malice; neither of which is present here. The Court should not decide the specific location for construction of a public utility. Such interference would impede the State's developmental



functions and delay the provision of essential infrastructure.

3. The petitioner has failed to demonstrate any statutory or Constitutional right that has been infringed. The preference of a specific group of villagers for a particular plot of land does not override the administrative discretion of the State. This Court finds that no genuine public interest is involved in this matter. The location of a school is a matter of administrative exigency and planning. The Court must exercise restraint and refrain from interfering in the State's exclusive domain regarding infrastructure development unless there is a clear violation of the law.

4. Accordingly, this writ petition is dismissed.

5. Interlocutory Application(s), if any, shall also stand disposed of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

shailendra/-

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CAV DATE	
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