

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6584 of 2026

Alakhdeo Yadav Son of Chandradev Yadav, Resident of Village- Simri, P.O.- Simri Dhamni,
P.S.- Mali, District- Aurangabad. Petitioner/s

Versus

- 1. The State of Bihar through the Chief Secretary, Government of Bihar.
- 2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
- 3. The District Magistrate, Aurangabad.
- 4. The District Education Officer, Aurangabad.
- 5. The Block Development Officer, Block- Barun, Aurangabad.
- 6. The Chief Managing Director, National Highway Authority of India, Government of India, New Delhi.
- 7. The Project Director, Green Field Expressway under Bharat Mala Project from Kolkata to Varanasi its office.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the NHAI : Mr. Sanat Kumar Mishra, Advocate
Mr. Shantam Kriti, Advocate
For the State : Mrs. Binita Singh, SC-28

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

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 14-07-2026 Heard learned counsel for the parties.

2. The present writ application, in the nature of a
Public Interest Litigation, has been preferred seeking the
following reliefs:-

“1. That this petition is being filed in the
favour of Public Interest Litigation for issuance of
direction to the respondent concerned to construct
the Government Middle School within the village-
Moti Bigha under Panchayat-Simri Dhamni, Circle-
Nabinagar (Aurangabad) by utilizing the identified
public land and to provide playground and basic
infrastructure and direct the respondent NHAI
Authority to construct on to bear cost of
construction as part of project obligation by
directing compliance with the Bihar Right to



Education Rule 2011 by ensuring so far and amenity full school with the time frame since the only Government Middle School in the village has been acquired and to be demolished for construction of the Expressway without providing any alternative school.”

3. A counter-affidavit has been filed on behalf of State wherein following statement has been made in paragraph Nos. 6 to 18:-

“6) That at the very outset it is respectfully submitted that the instant writ petition filed in the nature of Public Interest Litigation is not maintainable in the eyes of law and the same deserves to be dismissed in limine, mismatch inasmuch as the authorities concerned are already seized of the matter and concrete administrative steps are being taken for establishment of new school infrastructure for the affected institution.

7) That it is true that the existing Government Middle School situated at Moti Bigha, Panchayat-Simri Dhamni, Circle-Nabinagar, District-Aurangabad has been affected due to acquisition proceedings undertaken under the Bharatmala/Expressway Project as has also been alleged in paragraph nos. 4, 5 and 6 of the writ petition.

8) That however, the allegations made in paragraph nos. 7 to 11 of the writ petition suggesting complete inaction on the part of the answering respondent are wholly incorrect and misleading. It is respectfully submitted that immediately after the issue regarding



shifting/reconstruction of the school came into consideration, the department initiated necessary administrative process for identification and development of alternative land for construction of the new school building.

9) That in response to the issue raised by local villagers and public representatives, land bearing Khata No. 91, Plot No. 1471 measuring about 1 Acre 30 Decimal situated at village- Moti Bigha was identified for construction of the new school building and playground, which also find mention in paragraph no. 10 of the writ petition.

10) That it is respectfully submitted that vide Office Memo No. 1394 dated 25.03.2026 issued from the office of Bihar Education Project, Aurangabad, direction has already been issued to the concerned Circle Officer, Nabinagar for providing NOC, land verification report, demarcation and other consequential formalities in respect of the aforesaid Plot No. 1471 for construction of the new school building.

11) That from bare perusal of the aforesaid departmental communication would be evident that the land identified for the proposed school building is already under active consideration and the administrative process for establishment of the school has commenced much prior to filing of the present writ petition.

12) That it is further respectfully submitted that technical proposals and infrastructure estimates relating to the proposed construction have also been prepared by the competent authorities under Bihar Education Project/BSEIDC and the matter is under due administrative process. The records further



disclosed proposed infrastructural facilities including classrooms, kitchen, toilets, store room and drinking water facilities for the said school.

13) That it is further submitted that due to acquisition proceedings and pending completion of land related formalities, certain administrative constraints arose in immediate commencement of construction work, however the answering respondent has throughout remained vigilant to ensure that educational nativities of the students are not adversely affected.

14) That therefore, only as an interim and temporary arrangement and purely in the interest of students, vide Office Memo No., 1973 dated 11.05.2026, students of the affected institution have been temporarily recommend dated for studies at Middle School, Simri Dhamni till completion of the process relating to construction of the new school building.

15) That it is submitted that the aforesaid temporary arrangement has been made solely to ensure continuity of education and to prevent any disruption in academic activities of the students and therefore no prejudice whatsoever is being caused to the students concerned.

16) That the allegations made in paragraph nos. 12 to 19 of the writ petition alleging violation of Right to Education are misconceived and denied. It is respectfully submitted that the department institution abandoned neither has acted arbitrarily; nor the rather immediate temporary educational arrangements have already been ensured while the process for permanent construction is underway.

17) That the answering respondent has



been acting bonafidely and diligently and there is absolutely no intentional delay or deliberate inaction on the part of the department. The temporary arrangement has been necessitated solely because of administrative and procedural formalities incidental to acquisition and reconstruction process.

18) That the petitioner has failed to appreciate that establishment of a new Government school building involves multiple administrative stages including land verification, issuance of NOC, demarcation, technical sanction, infrastructure approval and financial allocation, which require inter-departmental coordination and reasonable administrative time.”

4. In view of the averments made in the counter affidavit by the respondent authorities, we are of the considered view that no further order is required to be passed in the facts and circumstances of the present case.

5. With the aforesaid observation, the present writ application stands disposed of.

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

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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