

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19313 of 2019**

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Lok Prakash Singh S/o Loknath Singh R/o Village- Sikraul, Chhota Tola, P.S.-  
Sikraul, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Human Resource Development, Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The State Project Director, Bihar Education Project Council, Patna.
4. The Director, Primary Education, Government of Bihar, Patna.
5. The District Magistrate, Bhojpur.
6. The District Education Officer, Bhojpur.
7. The District Program Officer, Primary Education and Sarva Siksha Abhiyan, Bihar Education Project, Bhojpur.
8. The Block Education Officer, Block- Trarai, District- Bhojpur.
9. Zila Parishad Bhojpur, Through its Chief Executive Officer.
10. Hari Shankar Singh S/o Ram Subhag Singh, R/o Village Sikraul Tola, P.S. Bikrahata, Dist. Bhojpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar, Adv.  
For the Respondent/s : Mr. Madanjeet Kumar, GP-20

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

**ORAL JUDGMENT**

**Date : 05-02-2026**

Heard the parties.

2. The petitioner by invoking the jurisdiction of this Court under Article 226 of the Constitution of India has approached this Court seeking a direction upon the respondent to make necessary construction of the building of Primary School, Sikraul Tola for which land has already been donated and registered, besides the first installment of Rs. Five Lakhs



has been issued for the financial year 2007-08 by the Bihar Education Project, Bhojpur. The petitioner also sought a direction to the respondent authorities to detach the school from Girls Primary School, Sikraul and further direct the respondent authorities to run the school at Sikraul Tola instead of Girls Primary School, Sikraul, as it was running prior to year 2013.

3. The school, in question, was established in pursuant to the project of Sarva Siksha Abhiyan, in terms with the recommendation made for opening of 255 new schools vide Memo No. 536 dated 31.08.2006, issued by the District Superintendent of Education-cum-District Programme Convener in which one school was proposed to be opened at Sikraul Tola, and accordingly the same was done.

4. Despite the formalities having been completed and the land was donated and registered as well as the first installment has also been issued, because of some rival claims between the petitioner and the respondent no. 10, the building could not be constructed. The matter has time and again brought to the attention of the authorities concerned and finally, during the pendency of the writ petition, the Block Education Officer, Tarari in light of the order passed by this Court submitted an enquiry report, the copy of which is marked as Annexure-R/A.



From the enquiry report, it is evident that the District Program Officer (Primary Education and Sarva Siksha Abhiyan), Bihar Education Project, Bhojpur vide its Letter No. 2158 dated 06.03.2012 has already issued order for release of the fund, but on account of the dispute between the rival claimants, the construction could not be done.

5. Learned Advocate for the petitioners submitted that now the dispute has already been resolved and despite the notice having been issued to the private respondent no. 10, he chose not to appear. On account of the aforesaid facts, especially the dispute which is not in existence, the career of the students cannot be put to lurch. The children below the age of 14 years have right to get free and compulsory education in terms with the mandate of Article 21(A) of the Constitution of India, which encompasses within itself sufficient infrastructure so that the students can pursue their education. In the aforesaid premise, he submits before this Court that the authorities should take all appropriate initiatives to get the school building constructed, as early as possible.

6. Learned Advocate for the State as well as Zila Parishad, Bhojpur have already filed counter affidavit and submitted that because of the dispute, having been raised by rival claimants, the building of the school, in question, could not



be constructed and for which, they themselves are responsible.

7. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that presently there is no dispute between the rival claimants and, moreover, despite notice, the respondent no. 10 did not chose to appear, this Court deems it fit and proper to direct the respondent no. 7 to look into the matter, keeping in mind the order as contained in Letter No. 2158 dated 06.03.2012, whereby the necessary fund was directed to be issued. However, by one reason or other, the construction could not be done. Since there is no dispute pending between the parties, this Court expects that necessary order shall be passed for construction of the school, in question, in terms with prevalent scheme within a period of twelve weeks, from the date of receipt/production of a copy of this order.

8. The writ petition stands disposed off.

**(Harish Kumar, J)**

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| AFR/NAFR          | NAFR       |
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