

(2010) 03 PAT CK 0183**Patna High Court****Case No:** CWJC No. 1508 of 2010

Rajesh Kumar

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: March 8, 2010**Citation:** (2011) 2 PLJR 705**Hon'ble Judges:** Dipak Misra, C.J; Mihir Kr. Jha, J**Bench:** Division Bench**Judgement**

@JUDGMENTTAG-ORDER

1. Heard Mr. S.B.K. Mangalam, learned Counsel for the Petitioner, Mr. K.K. Jha, learned Counsel for the State and Mr. Farooque Ahmad Khan, learned Counsel for the intervenor.
2. On the last occasion the submission was put forth that a decision has been taken by the Zila Parishad to shift the Primary School which is sanctioned for Village-Khairatia to Nawada mahanth village where two schools are already situated. It was urged that the distance between two villages is 1 & 1/2 Kms., and once the sanction order was passed for having a school in the Village-Khairatia that should not have been changed. That apart it was contended that the Petitioner was ready and willing to provide a land free of cost.
3. Keeping in view aforesaid stand, the State Government was asked to file a counter affidavit. A return has been filed stating inter alia that there was no sanction order for village Khairatia and, in fact, the Panchayat Samiti had sanctioned two schools for Gram Panchayat Jagiri Tola where Village-Nawada as well as Village-Khairatia are situated. It is contended in the return that Mukhiya of the Village-Jagiri Tola is bent upon to have the school at Village-Khairatia though there is no sanction order and, in fact, the school in Village-Khairatia is running without any authority of law.

4. In view of aforesaid without entering into the role of the Mukhiya, it is directed that the Director, Primary Education, Government of Bihar, Respondent No. 3, may consider the proposal of the Petitioner to give a land free of cost for the purpose of construction of the school in Village-Khairatia, if situation so warrants. We have not expressed any opinion on this aspect. It is the discretion of the Director, Primary Education, to consider and take appropriate action in accordance with law.

5. With the aforesaid observation, the writ petition stands disposed of.