

(2004) 11 PAT CK 0017
In the Patna High Court
Case No : C.W.J.C. No. 8501 of 1999

Sudin Yadav

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 08-11-2004

Acts Referred:

Citation : (2004) 3 BLJR 2102 : (2005) 1 PLJR 288

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Murli Manohar Singh, I. Mahmood, A.P. Verma and H.K. Mishra, for the Appellant; JC to GP 8, for the Respondent

Judgement

Narayan Roy, J.—Heard counsel for the parties.

2. The petitioner in the capacity of headmaster of Middle School, Belsandi in the District of Samastipur has approached this Court for issuance of a writ of mandamus directing upon the respondents to take over the school in terms of Section 3(4) of Bihar Non-Government Elementary School (Taking Over Control) Act, 1976 (hereinafter to be referred to as "Act").

3. Precisely, it is submitted by learned counsel for the petitioner that this school was established in the year 1961 by the villagers and thereafter necessary permissions were granted by the authorities of the Department to run the school up to Seventh Class. The school thereafter was inspected on several occasions and the Area Education Officer, Rossera made a spot inspection on 9.1.1989 and he submitted his inquiry report to respondent No. 3, as contained in Annexure-11, recommending the case of the petitioner for its take over, but till date the State authorities have neither accepted the inquiry report, as referred to above, nor the same has been rejected.

4. Learned counsel lastly submits that the school of the petitioner fulfils all the requirements, and, therefore, the authorities were duty bound to take over the school in terms of the provisions of the Act.

5. No counter affidavit has been filed on behalf of the respondents.
6. There is no material on record to show that after submission of inquiry report, as contained in Annexure 11 dated 25.1.1989, the petitioner ever approached the State authorities to take a decision upon the inspection report, rather it appears that almost after ten years of the submission of the inspection report, this writ application was filed in the year 1999.
7. Considering the facts and circumstances of the case, in my opinion, it would not be appropriate for this Court to issue any positive direction upon the respondent authorities. However, in the fitness of things, it would be desirable for the petitioner to make a representation before the State authorities for redressal of his grievances in light of the inspection report, as referred to above. In case, any such representation is filed by the petitioner before the competent authority, the same would be considered and disposed of in accordance with law by speaking order within a period of three months from the date of its filing,
8. With the direction/observation, this application is disposed of.