

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15789 of 2014

=====

1. Bhaiya Lal Prasad son of Late Kamla Lal Prasad resident of Village - Lakhanpur, Post Office - Lakhanpur, Police Station - Lauriya, District - West Champaran.

2. Suresh Mahto son of Late Rogha Mahto resident of Village Dubaulia, Post Office - Lakhanpur, Police Station - Lauriya, District - West Champaran.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna – 800 015.

2. The Principal Secretary, Department of Education, Government of Bihar, Patna – 800 015.

3. The State Project Director, Bihar Secondary Education Council, Government of Bihar, Patna.

4. The District Magistrate, West Champaran, Bettiah.

5. The District Education Officer, West Champaran, Bettiah.

6. The District Programme Officer, Secondary Education and Literacy, West Champaran, Bettiah.

7. The Block Education Officer, Lauria, West Champaran.

8. The Circle Officer, Lauria, West Champaran.

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Rajiv Nayan Singh, Advocate

For the Respondent Nos. 1 2, 4 to 8: Mr. Ajay, G.A.-12

For the Respondent No.3 : Mr. Girijesh Kumar, Advocate

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

5 24-08-2015

The grievance of the petitioners, in the present Public Interest Litigation, is that as against the decision already taken for upgrading the middle school in the village Lakhanpur Gram Panchayat under district West Champaran to a High School, the respondents have arbitrarily decided to shift up-gradation of middle school in Jawahirpur under the same district.



It is the contention of the petitioners that the decision of the respondents to upgrade the middle school at Jawahirpur to High School is against their own policy decision, which requires that there should be one High School within the radius of five kms. It is their contention that there is no High School within a radius of six kms. from the Village-Lakhanpur, whereas one secondary school is there, 1.5 Kms. away from the village Jawahirpur.

This Court, while exercising the power of judicial review, under Article 226 of the Constitution of India, in a Public Interest Litigation, cannot go into the correctness of the decision to establish or upgrade or not to establish/upgrade a school at a particular place, such a decision being purely executive in nature.

However, learned Government Advocate No.12, appearing on behalf of the State of Bihar, has produced before us an office order of the State Government, dated 06.03.2012, issued by the Principal Secretary, Education Department, Government of Bihar, according to which in case any dispute, relating to establishment or up-gradation of a school, can be raised and looked into by a three-man Committee headed by Director, Secondary Education, Government of Bihar.

Without going into the merits of the claim, as raised

by the petitioners in the present writ application, we direct the Director, Secondary Education, Government of Bihar, to ensure that the dispute, as raised, is taken care of by the said three-man Committee and a decision is taken, in this regard, within a period of two months from the date of receipt/production of a copy of this order.

With the aforesaid observations and directions, this writ application stands disposed of.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

Pawan/-

U			
---	--	--	--