

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12892 of 2011

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1. Arvind Pandey S/O Sri Kailash Pandey R/O Vill.- Gavai, P.O.- Gavai, P.S.-
Sheikhpura, Distt.- Sheikhpura, At Present Working As President, School Shiksha
Samiti, Middle School, Gavai, Sheikhpura

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Human Resources Development Department, Govt. Of Bihar, Patna
3. The Director, Secondary Education Human Resources Development Department, Govt. Of Bihar, Patna
4. The District Magistrate, Sheikhpura
5. The Deputy Development Commissioner, Sheikhpura
6. The District Education Officer, Sheikhpura
7. The Block Education Extension Officer, Sheikhpura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyam Shivam Sundaram

For the Respondent/s : Mr. Ashok Kumar Keshri AAG-11

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 30-09-2015

Heard the Counsel for the petitioner and the State.

A counter affidavit has been filed on behalf of the respondent
no. 6.

Petitioner, being the President of the Shiksha Samiti of Middle
School Gavai in the district of Sheikhpura, has filed the present
application for a direction upon the respondents to upgrade the said
school.

It is submitted that a list of prospective schools for such
upgradation was prepared by the Block Education Extension Officer

in which the name of the school appears. The decision in this regard was to be taken at the Directorate level. The respondents have not considered the case of the school of which the petitioner is the President for such upgradation.

The respondents, in the counter affidavit, have stated that under policy decision, certain school in a particular area or district are taken up for upgradation. On a report submitted in this regard enclosing the list of probable schools, the matter was considered at the Directorate level and one of the schools namely Middle School, Badshahpur has been upgraded as High School.

Which school in a district should be upgraded is the discretion of the government on consideration of various factors. There is no legal right vested in any school or the Managing Committee or the Shiksha Samiti of the school to claim such upgradation as a matter of right. From the counter affidavit, it can be inferred that the respondents have chosen another school for such upgradation. The grievance of the petitioner is that there is no consideration of the school in question for such upgradation.

In my view, in a matter where the policy decision of the government is involved and there being nothing on record to indicate that any school having fulfilling all the requisites would as a matter of right shall be upgraded. I do not find any sufficient reason to direct

the respondent for consideration of the case of the school in question for such upgradation.

The writ application is dismissed.

Dismissal of the application shall, however, not preclude the petitioner from ventilating his grievance before appropriate authority/forum in accordance with law.

(Kishore Kumar Mandal, J)

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