

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1842 of 2014

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Bijay Shankar Mishra S/O Late Bashistha Mishra Resident of Village- Dulahpur,
P.O- Keshar, P.S- Bhagwanpur, District- Kaimur (Bhabhua)

.... Petitioner

Versus

1. The State of Bihar, through Secretary, Primary Education, Government of Bihar, Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Managing Director, Bihar Rajya Shaikshamik Adharbhut Sanrachana Vikash Nigan Ltd., Shiksha Bhawan, Bihar, Rashtriya Parishad Campus, Acharya Shivpujan Sahay Path, Saidpur, Patna- 800004
4. The District Magistrate, Kaimur at Bhabhua.
5. The District Education Officer, Kaimur at Bhabhua.
6. The Headmaster, Keshar Middle School (Bhagwanpur), P.O + P.S- Bhagwanpur, District- Kaimur at Bhabhua.

.... Respondents

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Appearance :

For the Petitioner : Mr.Amarendra Narayan, Advocate

For the Respondents : Mrs. Neelu Agrawal, GA 8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-02-2015

The petitioner is a resident of Dulahpur village, Keshar Panchayat of Kaimur District. Within the Panchayat there are four Middle Schools functioning at different villages. In the recent past the Government decided to upgrade one such Institution as High School. The petitioner contends that though the Middle School, Dulahpur is better suited for upgradation, the Respondents have chosen Kasher Middle School for upgradation. He seeks appropriate directions in the matter.

The Respondents filed counter affidavit opposing the writ

petition. It is stated that the strength in the Middle School at Kasher is more and the available area is 13 acres and 33 decimals as against 2 acres and 25 decimals for Dulahpur Middle School.

Heard Sri Amrendra Narayan, learned counsel for the petitioner and Smt. Neelu Agrawal, Government Advocate-8 for the Respondents.

Realizing the necessity to upgrade one of the schools, in Kasher Panchayat, the Respondents have initiated steps. Naturally one has to go by the strength and potential of the School as well as the availability of the land for expansion. In this context, it is stated that the Kasher Middle School has 54 students in Class 8 and the area available is 13 acres and 33 decimals, whereas there are 34 students in the Middle School at Dulahpur, and the available land is just 2 acres and 25 decimals.

In the circumstances, it cannot be said that there was any discrimination or illegality on the part of the Respondents in upgrading the Middle School, Kasher as High School.

This writ petition is dismissed. There shall be no order as to costs.

Interlocutory Application, if any stands disposed of.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

Chandran/Md.Ibrarul

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