

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23289 of 2013

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Md. Mustafa Kamal Son of Late Md. Karim Khan Resident of Village- Sanaiya,
Police Station- Ariyari (Sheikhpura), District- Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, H.R.D. Patna.
2. The State Project Director, Bihar Madhyamik Shiksha Parishad, Budha Marg, Patna.
3. The District Magistrate, Sheikhpura.
4. The D.D.C. Sheikhpura, District- Sheikhpura.
5. The District Education Officer, District- Sheikhpura.
6. The District Programme Officer, District- Sheikhpura.
7. The Block Education Officer, Block Ariyari, District- Sheikhpura.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sajid Salim Khan, Advocate
For the State : Mr. Parth Sharthi, Advocate (SC-10)
For the Respondents : Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 08-09-2015

Heard counsel for the petitioner and counsel for Bihar
Madhyamik Shiksha Parishad, Budha Marg, Patna.

The issue raised by the petitioner is that the respondent-
authorities have arbitrarily selected yet another school for upgradation
to a Middle School instead of the School in which the ward of the
petitioner studies. He has filed the writ application for upgradation
looking at the future prospects of his ward as well as facility.

No doubt certain guidelines have been issued, which will
form the basis for selection and identification of such institution for

upgradation but then certain amount of leeway will have to be required to be given to the authorities taking into consideration the legal condition, the fulfillment of the requirements, the interests of the students etc. etc., some of which have already been taken note of in Annexure-1.

The Court, therefore, will not substitute its wisdom in such matter but can surely allow the petitioner to agitate the issue before the competent authority who can verify the authenticity of the assertion about the school fulfilling the requirements for such upgradation. These matters are also required to be verified on the ground and it cannot be done on oral submissions or on the basis of few annexures here and there. Writ is otherwise dismissed with liberty as above.

(Ajay Kumar Tripathi, J)

Vats/-

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