

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23650 of 2013

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1. Mamta Devi W/O Sri Bipin Kumar Resident Of Village- Manikpur, P.S-
Renugaon, Simraha, District- Araria, Presently The Secretary, School Siksha
Samiti, Middle School Shiksha Samiti, Middle School Manikpur, Forbisganj,
Araria

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Human Resources
Development Department Government Of Bihar, Patna.
2. Director Secondary Education, Bihar, Patna
3. The District Magistrate, Araria.
4. The Dy. Development Commissioner, Araria
5. The District Education Officer, Araria.
6. The District Programme Officer, Araria
7. The Block Education Officer, Forbisganj, District- Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. MUKESH KUMAR JHA

For the Respondent/s : Mr. RAJESH KUMAR

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 04-09-2015

Petitioner has filed a writ application for a direction upon
the respondents to consider and include the name of the Middle
School for upgradation to Secondary school under “Mission Manav
Vikas”. Petitioner is further aggrieved by the fact that another
adjoining school is included for such upgradation but the respondent
authorities did not take any decision with regard to the school in
question, even representation, contained in Annxure-7 has not been
dealt with.

In the counter affidavit filed on behalf of the State it has
been stated that the upgradation of other school is not under “Mission

Manav Vikas” but under different scheme, known as Rashtriya Madhyamik Shiksha Abhiyan (R.M.S.A.). The authorities surveyed area of vacant land for future expansion of school building, convenience of location and access etc. The State has further no obligation in favour of the petitioner, which school obviously does not fulfill the said requirement and the objectives.

These are the matters which are policy decisions, taking into consideration some of the parameters, which have been taken in the earlier part of the order; there is therefore, no scope for this Court to use its judicial discretion by giving any direction in favour of the petitioner.

Court is further informed that an authority under the Chairmanship of the Director, Secondary Education, Government of Bihar has been constituted to go into such dispute, if raised.

If this be so, the petitioner is free to approach the authority for verification of the assertion and the requirement of such upgradation. This writ is, otherwise dismissed.

(Ajay Kumar Tripathi, J)

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