

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2303 of 2014

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Baijnath Sah S/O Sri Premlal Sah Resident of Village - Mainhi, P.O. Narendrapur,
P.S. Andhramath, District - Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar through the Director, Secondary Education 8th Floor Bihar School Examination Board (Secondary Education) Building, Budh Marg, Patna
2. Principal Secretary Human Resources Development Department (Secondary Education) Bihar, Patna
3. District Magistrate, Madhubani
4. District Development Commissioner, Madhubani
5. Joint Secretary Cum Director (Secondary Education), Education Department Bihar
6. District Education Officer, Madhubani
7. District Programme Officer (Secondary Education), Madhubani
8. Managing Director Bihar State Education Infrastructure Development Corporation Ltd.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. DIWAKAR PRASAD SINGH
For the Respondent/s : Mr. TEJ BAHADUR SINGH

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 05-09-2016

Heard the counsel for the petitioner, the counsel for the respondents as well as the State.

Whether Middle School, Narendrapur, in the district of Madhubani qualifies for up-gradation under the relevant policy decision/guidelines of the respondents-State is the issue raised in the writ application.

In order to buttress his case, the petitioner has relied on a communication issued under the joint signature(s) of the District Programme Officer as well as the District Education Officer, contained in Memo No. 1297 dated 22.07.2014 (Annexure-12). It is submitted that a wrong report was

submitted by the authorities that Middle School, Narendrapur have 05 acres of land, which is one of the requirements for such up-gradation of the school by the respondents-State. Annexure-12 is a communication addressed to the Deputy Development Commissioner, Madhubani. On the basis thereof, the said respondent was required to take a decision with regard to the up-gradation. However, the counsel for the respondent(s) has submitted that any such grievance can be examined/considered by a committee constituted under the Chairmanship of the Director, Secondary Education, Government of Bihar. From Annexure-14, it appears that the Body has examined/considered the case of up-gradation of the school in the said area and found that Middle school, Narendrapur does not qualify for such up-gradation. If the Competent Body of the respondents-State has examined the said claim of up-gradation of the school, no further indulgence is required.

The counsel for the petitioner has submitted that the said proceeding of the Committee/Body has not till date been given effect to.

Having heard the parties, the writ application is disposed of observing that the appropriate authority of the respondents-State shall look into it and take a decision in accordance with law with regard to the up-gradation of the school in the area/village/block in question.

rohit/-

(Kishore Kumar Mandal, J)

AFR/NAFR	NAFR
CAV DATE	N.A
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