

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.79 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 12892 of 2011**

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Arvind Pandey, Son of 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

.... Appellant

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

.... Respondents

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Appearance:

For the Appellant/s : Mr. Dronacharya, Advocate.
Mr. Ravi Kumar, Advocate.
Mr. Shashi Kumar, Advocate.

For the Respondent/s : Mr. Md. Nasreen Mukhtar, AC to AAG-12.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 18-11-2016

The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Bench on 30.09.2015 whereby,
the writ application filed by the appellant for upgradation of the
Middle School, Gavai, District-Sheikhpura was not granted, but
liberty was given to the appellant to ventilate his grievance before an
appropriate authority in accordance with law.

The assertion of the petitioner is that the school satisfies the criteria for upgradation mentioned in the guidelines framed, therefore, the decision taken not to upgrade the school is arbitrary.

We do not find that on fulfillment of the criteria, any direction can be claimed for upgradation of a school in exercise of powers of the writ jurisdiction of this Court. It is a matter of policy that as to when a school has to be upgraded. The fulfillment of criteria is one of the ingredients. The other ingredients required is financial capacity of the State which may be incurred on account of upgradation of the school.

In view thereof, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal.

Accordingly, the Letters Patent Appeal is dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Mishra/-

AFR/NAFR	A.F.R.
CAV DATE	N.A.
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