

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2055 of 2017

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Durbal Sahani, aged 34 years, son of Sri Ganesh Sahni, resident of Village-
Dandari, P.O.- Dandari, P.S.- Dandari, Block- Dandari, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar.
2. Principal Secretary, Education Department, Government of Bihar.
3. Joint Secretary, Education Department, Government of Bihar.
4. Director Secondary Education, Education Department, Government of Bihar.
5. District Magistrate, Begusarai.
6. District Program Officer, Secondary Education, Begusarai.
7. District Education Officer, Begusarai.
8. Sub Divisional Officer, Balia, District- Begusarai.
9. District Development Commissioner, Begusarai.
10. Block Development Officer, Dandari Block, District Begusarai.
11. Block Education Officer, Dandari Block, District- Begusarai.
12. Circle Officer, Dandari, District Begusarai.
13. Government Secondary School, Village Meha, P.O.- Dandari, P.S.- Dandari, Block Dandari, District- Begusarai through Incharge Headmaster.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad, Advocate
For the Respondent/s : Mr. Sunil Kumar, A.C. to G.A. 12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 07-04-2017

Inter alia contending that guidelines and scheme formulated for upgradation of school as contained in Annexure-1 dated 12th of July, 2013 has been violated and contrary to the recommendations made by the Committee formulated under the Scheme the school has been upgraded, the writ petition has been filed.

2. As the guideline in question (Annexure-1) dated 12th



of July, 2013 is a non-statutory executive scheme, a *mandamus* for implementation of the scheme cannot be issued by this Court in exercise of its extraordinary jurisdiction in a petition under Article 226 of the Constitution. (See **Union of India & Ors. Vs. S.L. Abbas- AIR 1993 SC 2444**).

3. Keeping in view the aforesaid, we grant liberty to the petitioner to take up the issue with the higher authorities of the State Government, namely, the District Magistrate or the Principal Secretary of the department who may be in a position to appreciate the grievance of the petitioner and take a decision on the petitioner filing a representation with regard to his grievance with the higher authorities as indicated hereinabove and they are expected to take a decision within a period of three months.

4. With the aforesaid, the writ petition is disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	11.04.2017
Transmission Date	

