

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3684 of 2016

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Shyam Narayan Yadav, aged about 70 years, son of Late Beni Yadav, resident of village- Kumardih, Post- Saren, P.S.- Makhdumpur, District- Jehanabad, Bihar

.... Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary, Department of Education, New Secretariat, Bailey Road, Patna
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The Deputy Director, Secondary Education, Gaya
4. The District Program Officer (Establishment), Jahanabad, District- Jehanabad
5. The Block Education Officer, Makhdumpur Block, District- Jehanabad
6. The Deputy Development Commissioner, Jahanabad, District- Jahanabad
7. The District Magistrate, Jahanabad, District- Jahanabad
8. The District Education Officer, Jahanabad, District- Jahanabad
9. The Secretary, Bihar Madhyamik Shiksha Parishad, 8th Floor Bihar School Examination Board, (Sr. Section) building, Budha Marg, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate

For the Respondent/s : Mr. Jai Shankar Barnwal, G.A. 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-04-2017



Petitioner has filed this petition in public interest and it is the grievance of the petitioner that the Middle School Kumardih is not being upgraded to High School by the Gram Panchayat in question instead, another school which does not fulfil the criteria laid down in the guidelines of the State Government has been upgraded. *Inter alia* contending that in the matter of upgradation of the schools in question, the guidelines have been violated, the writ petition has been filed.

2. Respondents have filed detailed counter affidavit and point out that based on the recommendations made by the Expert Committee and the opinion of the residents of the village the school has been selected for upgradation and, therefore, there is no illegality in the matter.

3. Considering the fact that violation in the matter of upgradation is not of any statutory provision, rule or regulation having the force of law, but it is only of a non-statutory executive guidelines which cannot be enforced by a writ of *mandamus*, we are not inclined to go into the question in this Public Interest Litigation particularly when, the upgradation has been done of a school in accordance to the report of the Expert Committee and that also after consultation with the residents of the local area. Accordingly, finding no case for making any indulgence in a Public Interest Litigation with regard to



upgradation of the school in question, the writ petition stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	18.04.2017
Transmission Date	

