

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9752 of 2016

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1. Mantun Kuwar son of Shri Dharam Kuwar
2. Santosh Kumar Kuwar son of Shri Lalan Kuwar
3. Sushil Kumar Kuwar son of Shri Umesh Kuwar
4. Balram Jha son of Shri Ram Kumar Jha
All residents of Village Gangapatti, P.s.- Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Bihar, Patna.
2. Director (Secondary Education), Bihar, Patna.
3. District Magistrate, Darbhanga
4. Deputy Development Commissioner, Darbhanga
5. District Education Officer, Darbhanga
6. District Programme Officer (Secondary Education), Darbhanga.
7. Block Education Officer, Darbhanga
8. Anchal Adhikari, Bahadurpur, Darbhanga.
9. Middle School. Chakka Pirdi through the Headmaster, O.P.- Pokia of Bahadurpur, P.s.- District- Darbhanga.
10. Middle School, Gangapatti, P.S. Bahadurpur, District Darbhanga through the Headmaster.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Jha
For the Respondent/s : Mr. Sc3-Syed Arshad Alam

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 11-04-2017 The petitioners seek quashing of the list, dated 27.08.2015, prepared by respondent no. 2 to upgrade the Middle School to High School, at serial no. 544 as well as the recommendation of the Anchal Adhikari to upgrade Middle School, Gangapatti to High School.

A counter affidavit has been filed on behalf of the respondent-State of Bihar, stating that the decision to



upgrade Middle School to High School in those panchayats in which there is no High School has been taken by the Department of Education, on 05.07.2013. It has been stated that one of the criteria for upgradation is that the School must has land measuring 1 acre to 1.5 acres, out of which 40 decimals must be vacant to develop basic structure for the High School. Since Middle School, Chakka Pirdi, was fulfilling all the necessary criteria, it was decided to upgrade the said Middle School to High School.

I do not find any circumstance for this Court to interfere in the decision of the State-respondents, which are purely executive in nature. This Court does not have any judicially determinable parameters to decide as to which School should be upgraded and which School should not be upgraded.

This application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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