

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.620 of 2016

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1. Government Middle School, Akhtiyarpur, Sherpur Manikpur Panchayat, Block - Mahua, P.O. Bhanborllan, P.S. Mahua, District - Vaishali, Bihar, through it's Secretary
 2. Mrs. Sanju Devi Wife of Arvind Kumar Singh Resident of village - Akhtiyarpur, Block - Mahua, P.O. Bhanborhan, P.S. Mahua, District - Vaishali, Bihar

.... Appellant/s

Versus

1. The State of Bihar
2. The Secretary, Education Department, Government of Bihar, Patna
3. The Director, Secondary Education, Government of Bihar, Patna
4. The Regional Deputy Director of Education, Tirhut Pramandal, Muzaffarpur
5. The District Magistrate, Vaishali, Hazipur
6. The District Education officer, Vaishali, Hajipur
7. The Block Education officer, Mahua, District Vaishali
8. Upgraded Middle School, Parmanandpur, P.O. Chitrauli, P.S. Mahua, District - Vaishali, Bihar, through it's Secretary

.... Respondent/s

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Appearance :

For the Appellant/s :
For the Respondent/s : Mr. P.K. Verma, AAG-3
Mr. Saroj Kr. Sharma, AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-06-2017

In the matter of upgradation of a Government Middle School, the writ petition filed by the school administration was dismissed by the learned Writ Court by holding that a *mandamus* cannot be issued with regard to the issue in question.

It is surprising that the school in question is a Government Middle School and without authority of the State



Government this appeal has been filed. When the matter was taken up on 28.2.2017, this Court had posed a question with regard to maintainability of the appeal at the instance of the School, which is not a juristic person, and it could not file a writ petition without the authority of the State Government.

When the matter is taken up today, none appears in support of the application.

In view of the above, we are of the considered view that in the matter of dismissing the writ petition filed by the institution in question, the learned Writ Court has not committed any error.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
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