

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14134 of 2015

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Kamleshwari Prasad Singh, aged about 60 years, son of Late Ram Prasad Singh,
resident of village- Bhimpur, P.O.- Bhimpur, P.S.- Bhimpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development,
Government of Bihar, Patna.
3. The Director, Secondary Education, Department of Human Resources
Development, Government of Bihar, Patna.
4. The Commissioner, Koshi Division, Saharsa.
5. The District Magistrate, Supaul.
6. The Deputy Development Commissioner, Supaul.
7. The District Education Officer, Supaul.
8. The District Programme Officer, Supaul.
9. Block Development Officer, Chhatapur.
10. The Block Education Officer, Chhatapur, District- Supaul.
11. The Circle Officer, Chhatapur, District- Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Respondent/s : Mr. Priyadarshi Matri Sharan-AC to AAG15

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 25-01-2017

The petitioner claims upgradation of Middle School,
Bhimpur which has two acres of land instead of Middle School,
Bhimpur which has 56 decimals of land.

2. As per the counter affidavit filed on behalf of
respondent No.8, it has been pointed out that the guidelines have



been issued to upgrade the schools in a manner that firstly Villages/Panchayats not having any secondary/higher secondary school shall be marked/located. Priority in selection shall be given to the SC/ST population Panchayats, availability of land as well as maximum number of students studying in Class-VIII in middle school proposed to be upgraded and case of non-fulfilment of required criteria by any middle school, new secondary school shall be established after allotment of land.

3. In pursuance of such guidelines, it is stated that Middle School, Bhimpur (U-DISE Code-10060201101) was selected and proposed for up-gradation into a High School during the financial year 2013-2014 and the same has been upgraded vide Memo No.965 dated 6th of August, 2014 and classes of class –IX have already been started.

4. The question as to whether a school should be upgraded or not is a decision taken by the State keeping in view the various factors as circulated while framing guidelines. The petitioner claims upgradation of the school situated in the same revenue estate. Once a school within the same revenue estate has been upgraded, we do not find that petitioner can seek substitution of upgradation of school of his choice. It is purely an administrative decision which



does not warrant any interference in public interest jurisdiction.

5. Consequently, we do not find any merit in the present writ application. The same is accordingly dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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