

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8344 of 2014

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Kedar Singh, S/o Late Bateshwar Singh, Member of Panchayat Samiti of Jamua,
Panchayat, resident of Village- Silalpur, Police Station- Banka, District- Banka.

.... Petitioner

Versus

1. The State of Bihar through Director, Secondary Education, Patna.
2. State Programme Director, Bihar Secondary Education, Council, Bihar, Patna.
3. Director Primary Education, Bihar, Patna.
4. District Magistrate, Banka, District- Banka.
5. The Deputy Director Area Education, Banka.
6. The Deputy Development Commissioner Banka.
7. The District Superintendent of Education-Cum District Programme Officer,
Banka, District- Banka.
8. The District Education Officer, Banka.
9. Block Education Officer, Banka.
10. Head Master, Upgrade Madhya Vidyalay, Chutiya.
11. Head Master Upgrade Madhya Vidyalay, Amarapur.

.... Respondents

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Appearance :

For the Petitioners : Mr. Ajay Mukherjee, Advocate.
For the Respondents : Mr. Nandan Prasad, S.C. 9.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-04-2017

Inter-alia contending that in accordance to the Government policy for upgradation of the School, even though the Higher Secondary School, Pronnat Madhya Vidyalay, Amarapur, under Jamua Panchayat, District- Banka, was recommended for upgradation but the respondents have instead upgraded another School under the same Panchayat, though the said School does not fulfill the guidelines laid down in the Government policy, this petition has been filed in public



interest. In the matter of upgradation of the School, no statutory rule or regulation is applicable. It is done on the basis of an executive policy formulated for implementation of an executive policy, a mandamus can not be issued as held by the Supreme Court in the case of **The Union of India & Ors. Vs. S.L. Abbas- 1993(4) SCC 357.** The petitioner, if so advised, may take up the matter with the competent authority of the State Government by filing of a representation and it is for the competent authority to consider the grievance of the petitioner and take action as may be permissible under law.

With the aforesaid liberty granted to the petitioner, this application stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

U.K./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.04.2017.
Transmission Date	

