

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2325 of 2016

=====

Hari Shankar Singh Son of Late Raghuvansh Singh resident of village - Malkauli,
Laxmipur Barhatta Panchayat, P.S. Jandaha, District - Vaishali, Bihar

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna
2. The Commissioner - Cum - Secretary, Human Resources Department,
Government of Bihar, Patna
3. The Director, Secondary Education, Govt. of Bihar
4. The Joint Secretary, Education Department, Govt. of Bihar, Patna
5. The District Magistrate, Vaishali at Hajipur
6. The Circle Officer, Block - Mahua, District - Vaishali

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar Sinha, Advocate

For the Respondent/s : Mr. Anjani Kumar, AAG4

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 16-01-2017

The petitioner has claimed a writ of mandamus for directing the State to upgrade Middle School Akhtiyarpur to High School situated in Mahua Block of Vaishali district. The petitioner relies upon the guidelines dated 3rd of July, 2013, Annexure-2, wherein the parameters for upgradation of the schools were circulated.



Learned counsel for the petitioner states that since the right to education for the children of the age group of 6 to 14 years is a Constitutional right, therefore, the State is bound to upgrade the school.

In the counter affidavit dated 15.12.2016, it has been stated that upgradation of Middle School Akhtiyarpur was considered and was found that it does not fulfill the required norms whereas Middle School Parmanandpur in the same Block fulfills the requisite criteria and was upgraded.

We have heard learned counsel for the parties and found that the guidelines framed are directory. The guidelines can be taken into consideration for upgradation of school, but there is no right of a citizen to claim that the school should be upgraded. Upgradation of school has a financial implication and, therefore, it is for the State as to when school is to be upgraded to a High school.

We do not find any merit in the said argument. The age group of 6 to 14 years is to ensure the education up to the Middle Schools in the neighborhood. The petitioner is asking for upgradation of Middle School into the High School which does not strictly fall into the four corners of the right to education conferred by the



Constitution.

Accordingly, the writ application is dismissed.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18/01/2017
Transmission Date	

