

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4555 of 2018

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Krishna Singh, Son of Late Mathura Singh, Resident of Village & P.O. Sihuli, Khaira, P.S. Rafiganj, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The State Project Director, Bihar Secondary Education, Council, Bihar, Patna.
5. The District Magistrate, Aurangabad.
6. The Deputy Development Commissioner, Aurangabad.
7. The District Education Officer, Aurangabad.
8. The District Programme Office (Establishment), Aurangabad.
9. The Circle Officer, Rafiganj, District- Aurangabad.
10. The Block Education Officer, Rafiganj, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the Respondent/s : Mrs. Shilpa Singh- GA 12

Mr. Ranjan Kumar, AC to GA 12

For the Bihar Madhyamik Siksha Sansthan : Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-03-2018 In the matter of up-gradation of school in the district in question, this public interest litigation has been filed seeking a mandamus for upgradation of a particular school and take action based on the recommendation.

Even though in Civil Writ Jurisdiction Case No. 3463 of 2016 and Civil Review No.328 of 2017, a co-ordinate Bench of this Court has issued certain directions, but we are of the considered view that the question of up-gradation of an institute



is an executive and administrative matter and merely because the district authorities have made any recommendation, the same is to be acted upon by the State Government after taking note of the policy decision of the State Government and various other factors and, therefore, merely because a recommendation is made, a mandamus cannot be issued. It is for the State Government to evaluate their policy, consider the recommendation and take action in the matter.

In view of the all these factors, we are not inclined to interfere into the matter. The petition stands disposed of with liberty to the petitioner to take up the issue with the authorities of the State Government.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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