

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21541 of 2018

1. Ramshresth Ram, S/o Late Shukan Ram
2. Shanti Swaroop Singh, S/o Late Lakshmi Narayan Singh,
3. Shashi Ranjan Kumar @ Shashiranjana Kumar, S/o Kusheshwar Prasad,
4. Ram Ekbal Bhakta @ Ramekbal Bhakta S/o Late Lakhichand Bhakta,
All residents of Village-PO-Sonbarsa Dih, P.S.-Maniyari, District-
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. Deputy Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
4. Directorate of Secondary Education through its Director, Government of Bihar, New Secretariat, Patna.
5. Director, Secondary Education, Government of Bihar, New Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Sinha Mr. Amit Narayan
For the State	:	Mr. Narendra Kumar, AC to GP-20
For the Union of India	:	Ms. Punam Kumari Singh, C.G.C.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-11-2018 The petitioner no. 1 claims to be the member of Ward No. 3 of the Panchayat Sonbarsa, Block-Kudhni in the district of Muzaffarpur. Petitioner Nos. 2 and 3, on the other hand, claim that they are residents of the said Panchayat and their Wards are school going. Petitioner No. 4 claims that he had donated certain land for establishing the middle school, Sonbarsa Dih. The petitioners are seeking quashing of the decision of up-gradation



of middle school, Sonbarsa Sah to +2 level, ignoring the middle school located in Sonbarsa Dih.

Mr. Arun Kumar Sinha, learned counsel appearing on behalf of the petitioner, contends that, under the Scheme, at least there should be one school imparting education up to +2 level and under that Scheme one of the middle schools located in Panchayat was to be upgraded to +2 level. Referring to a letter of the Block Education Officer, he contends that he had recommended the middle school at Sonbarsa Dih for up-gradation to +2 level and ignoring such recommendation, the school at Sonbarsa Sah has been decided to be upgraded by the impugned order.

Against the decision of the State Government, the petitioners have approached the respondents, claiming that the middle school at Sonbarsa Dih is more suitable for up-gradation up to +2 level.

Be that as it may, it is a purely executive function as to which school is to be upgraded upto +2 level and which school is more suitable for the said purpose under the Scheme. It has, however, been submitted that the school which is being upgraded, does not have even the sufficient infrastructure in terms of land availability, and ignoring the case of middle



school, Sonbarsa Dih, the school at Sonbarsa Sah has been given the status of +2 level arbitrarily.

Without going into the correctness of the case, based on behalf of the petitioners, this writ application is disposed of with a direction to the Collector, Muzaffarpur to consider and examine the petitioners' claim, as raised in their representation dated 12.06.2018 (Annexure-5 series to the writ application) and take appropriate steps thereafter, if required, within four weeks from the date of receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J)

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