

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9025 of 2017

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Rua Devi, wife of Kapileshwar Yadav, the Secretary, Vidyalaya Shiksha Samitee,
Middle School Khurasan, Block Banama Itahari, Police Station Salkhua, District
Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Director Secondary Education, Education Department, Bihar, Patna.
2. The State Project Director, Bihar Secondary Education Board, Budh Marg, Patna.
3. The District Magistrate, Saharsa.
4. The Regional Deputy Director, Saharsa.
5. The District Education Officer, Saharsa.
6. The District Program Officer (Planning and Accounts), Saharsa.
7. The District Program Officer (Establishment), Saharsa.
8. The Block Education Officer, Banama Itahari, District Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

For the Respondent/s : Mr. SMT. SHILPA SINGH-GA12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 13-07-2018

The present writ application has been filed in form of public interest litigation for issuance of appropriate writ/writs, order/orders, direction/directions to the respondent authorities to upgrade the Middle School, Khurasan within the block of Banama



Itahari in the District of Saharasa (hereinafter referred to as the 'School') as High School and for various other reliefs.

The petitioner claims herself to be the Secretary of the Vidyalaya Shiksha Samittee of the school. It is her submission that the school in question was established in the year 1936 and is imparting proper education having all the requisite requirement of land etc. and is fit for upgradation from Middle School to a High School. the petitioner has complained that while the Middle School Maharas has been upgraded as High School vide memo dated 15.04.2017, as contained in Annexure-1 to the writ application, the authorities concerned have ignored the claim of the petitioner's school for upgradation. The petitioner has however no contest with the Middle School Maharas. It is submitted that the students of the locality of village Khurasan and its adjoining area have to go far distant place for continuing their higher secondary education especially the girl students.

By filing a counter affidavit the respondent no.8 submits that under the scheme conceived by the State government to upgrade a Middle School of each Gram Panchayat into a High School, the Middle School Maharas which fulfills all the criteria has already been upgraded into a High School and the session is also running there from 2017-18. So far as the claim of the petitioner is concerned,



it is not within the purview of the scheme to upgrade one more Middle School in the same panchayat into a High School and, therefore, the claim of the writ-petitioner is not in terms of the government policy.

The respondent no.1 has also filed a counter affidavit in which objection has been taken as to the locus standi of the petitioner to maintain the present writ in form of public interest litigation, he has placed on record the government policy and submits that because one of the Middle Schools has already been upgraded in the concerned Panchayat it is not desirable to upgrade another school in the same Panchayat.

In the kind of the submissions made in the writ application, we are of the considered opinion that such issues cannot be decided in public interest litigation at the instance of Secretary of the Vidyalaya Siksha Samiti who is having some interest in the school in question. Even though we were initially not inclined to consider the writ application in form of public interest litigation, but we have heard the parties at length and on going through the contentions of the State-respondents pointing out the provisions of the scheme in question whereunder only one middle school in a Gram Panchayat is to be upgraded and admittedly one of the middle schools in the concerned gram panchayat has already been upgraded and such upgradation of the said school is not under challenge in any proceeding, we do not



find any merit in the writ application.

The writ application is dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.07.2018
Transmission Date	

