

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22272 of 2018

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Maheshwar Kumar, son of Ramrup Chaurasiya, resident of village Maraiya,
P.O. Pipra Latif P.S. Maraiya (Parbatta) District Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Human resources Department, Govt. of Bihar, Patna.
2. The Director, Human Resources Department of Bihar, Patna
3. The Deputy Secretary Human Resources Department Govt. of Bihar, Patna
4. The District Magistrate cum Collector, Khagaria
5. The D.D.C. Khagaria
6. The District Education Officer, Khagaria
7. The District Programme Officer, Khagaria
8. The Block Education Officer, Parbatta, District Khagaria
9. The Head Master Middle Maktab Islampur Maraiya, P.O. Maraiya, P.S. Maraiya (Parbatta), District Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary
For the Respondent/s : Mr. Jitendra Kumar Roy 1 -SC-13

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-11-2018 Heard learned counsel for the parties.

2. The petitioner claims to be the elected Member of Gram Panchayat 10, Pipra Latif, Panchayat. He is seeking a direction to the respondents to upgrade Rajkiya Middle School Maraiya Pipra in Pipra Latif Panchayat to +2 level. The petitioner has a grievance that Middle School Maktab Islampur Maraiya Pipra has been upgraded to +2 School which has less infrastructure than the said Rajkiya Middle School Mariya Pipra, Pipra Latif. Despite recommendation made by the District Magistrate, Khagaria, it has been decided to be upgraded.



3. It is purely executive function as to which School is to be upgraded and which is more suitable for the said purpose. The Courts exercising power under Article 226 of the Constitution of India do not have judicially determinable parameters to adjudicate upon the suitability of a School for the purpose of upgradation under the scheme of the State Government or the Central Government.

4. The relief which the petitioner is seeking cannot be granted in the present proceeding.

5. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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