

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1749 of 2018

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Kaushlendra Yadav, Son of Rajendra Yadav, Resident of Village- Dhira, Post Office- Dhira, Police Station+Block- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The District Magistrate, Lakhisarai.
4. The District Education Officer, Lakhisarai.
5. The District Programme Officer (R.M.S.A.), Lakhisarai.
6. The Block Education Officer, Halsi, District- Lakhisarai.
7. The Middle School-cum-Upgraded High School, Himachaldih through its Headmaster, under Anchal-Halsi, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Respondent/s : Mr. Ashutosh Ranjan Pandey -AAG-15

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 13-12-2018 Heard learned counsel for the parties.

2. A dispute as to which place/location/village is more suitable for establishing a +2 School is exclusively within the domain of executive Government since this Court exercising power under Article 226 of the Constitution of India does not have judicially determinable parameters to adjudicate upon such dispute.

3. It is the case of the petitioners in the present petition that Middle School situated in Village Dhira is more suitable for being upgraded to + 2 School and ignoring the ground realities, the respondent State of Bihar has taken



decision to upgrade one Middle School located in Village Himachaldih to +2 School.

4. Learned counsel appearing on behalf of the petitioners submits that there has been subsequent development in this connection and the matter at present is pending before the District Magistrate.

5. It goes without saying that the District Magistrate shall be required to take appropriate decision in accordance with the circular, guidelines etc, in this regard. This Court is neither required to issue any direction nor to make any observation in this regard.

6. Learned counsel for the petitioners has also submitted that villagers of Village- Dhira have agreed to execute transfer deed in respect of land in favour of the Governor of Bihar for the purpose of establishing a + 2 School. These aspects can be gone into by the District Magistrate.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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