

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16676 of 2019

Radhe Shyam Pramod Senior Secondary School Maharshi Mehi Nagar, Ward No 5, Madhepura District Madhepura through its Principal-cum-Secretary Sri Amrendra Kumar, Son of Radhe Shyam Yadav, Resident of Village- Barahi Ward No.14 P.O. Dhanchhoha, P.S. Sour Bazar, District- Saharsa presently residing at Madhepura Ward No.5, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Bihar School Examination Board (Senior Secondary), Budh Marg through its Chairman.
3. The Affiliation Committee, Bihar School Examination Board (Senior Secondary) through its Chairman.
4. The Chairman, Bihar School Examination Board, Patna.
5. The Director Academic (Senior Secondary), Bihar School Examination Board, Budh Marg, Patna.
6. The Secretary, Bihar School Examination Board, Budh Marg, Patna.
7. The District Education Officer, Madhepura, P.S. and District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-08-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Learned counsel for the petitioner submits that petitioner has all the necessary infrastructure for imparting instruction to 360 students in Senior Secondary Level. He submits that petitioner has approached the respondents for consideration of the case for grant of additional intake in the light of objection invited by the board as to intake. The intake



capacity of a particular institution depends on infrastructure and teaching facility and one cannot claim as a matter of course grant of additional intake capacity simply because he wishes to increase number of intake.

The Bihar School Examination Board as well as the State Government is supposed to verify the claim and on scrutiny as to infrastructure and other teaching facility they have to take decision with regard to intake capacity objectively.

Since the objection of the petitioner with regard to intake capacity is pending at the level of the respondents as evident from Annexure-6 series, the writ petition is disposed of with direction to the examination board as well as education department to take appropriate decision in accordance with law on the representation contained in Annexure-6 series if not already decided at the earliest, preferably within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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