

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25085 of 2019

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Rinku Devi W/o Sri Mukesh Kumar Mahto Resident of Village- Ranipur,
Ward No. 01, P.s.- Warisnagar, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna
2. The Principal Secretary Education Department, Govt. of Bihar, Patna
3. The Director Primary Education, Govt. of Bihar, Patna
4. The Director Bihar Project Education Council, Patna
5. The District Magistrate Samastipur, District- Samastipur
6. The District Education Officer Samastipur, Distt.- Samastipur
7. The District Programme Officer (SSA) Samastipur, Distt.- Samastipur
8. The Block Development Officer Warisnagar, Distt.- Samastipur
9. The Block Education Officer Warisnagar, distt.- Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Kumar, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha (GP 27)
		Mr. Umesh Narayan Dubey, AC to GP 27
For the BEPC	:	Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 13-12-2019

The petitioner, who is the Secretary of School Education Committee of Middle School, Raipur in the District of Samastipur is aggrieved by the decision of the District Education Officer, Samastipur for upgrading the Middle School, Moglichak by ordering for construction of rooms and conducting of classes up to IXth standard within the Panchayat of Raipur.

It has been submitted on behalf of the petitioner that Middle School, Raipur is better suited for upgradation.



If the Middle School, Moglichak falling in Raipur Panchayat has been chosen, there was no reason for excluding the school of the petitioner for upgradation.

The officers of the Government in the Education Department, especially the District Education Officer, is entrusted with the responsibility for taking a decision for upgradation of such schools. On information being provided to the District Education Officer with respect to suitability of the schools which could be selected for upgradation, such a decision is taken. Assuming that the Middle School, Raipur is also suitable for upgradation, it would be open for the petitioner to approach the District Education Officer/Director Secondary Education for taking a decision in that regard with respect to upgradation of that school.

However, the suitability of one school, which has not been chosen to be upgraded cannot be the reason for rescinding the order of upgradation of another school which has been found to be suitable for upgradation by the District Education Officer.

Considering this aspect of the matter, this Court is of the view that no case has been made out for the petitioner for any interference with the decision of District Education Officer in upgrading the Middle School, Moglichak.



As noted above, the petitioner if so aggrieved by the exclusion of the school from being upgraded, can approach the authorities referred to above for the needful.

With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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