

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4462 of 2020

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Md. Mikail Ansari, Son of Md. Kamruddin Ansari Resident of Village- Chira,
P.O.- Bhelwa, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of
Bihar, Patna.
3. The District Magistrate, Banka.
4. The District Education Officer, Banka.
5. The District Programme Officer (Establishment), Banka.
6. The Circle Officer (C.O), Chandan, Banka.
7. The Headmaster Upgraded Middle School, Chira, Gram Panchayat- North
Kaswa Basila, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Respondent/s : Mr. Ram Vinay Pd. Singh, AC to GA XII

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 27-02-2020

Heard the parties.

Present writ petition in form of Public Interest

Litigation has been filed by the petitioner for following reliefs:-

“For issuance of appropriate writ in
nature of mandamus for commanding and
directing the concern respondent authority
to implement the scheme of the



Government of Bihar with respect to opening of one Higher Secondary School in every Panchayat of the State in true spirit of the aforesaid scheme without any discrimination, with further direction upon the respondent authority to consider the suitability and eligibility of 'Upgraded Middle School Chira' situated under Gram Panchayat North Kaswa Basila for up-gradation/conversion into Higher Secondary School, but unfortunately respondent authority without considering the infrastructure, student ratio, easy accessibility of school to students of concern area, wrongly proposed the 'Upgraded Middle School, ULHI' for conversion into Higher Secondary School in concern Panchayat which is based on wrong finding."

Considering the nature of grievance raised in the petition, we are of the considered view that it would be appropriate if the petitioner was to first approach the respondent



No. 4 the District Education Officer, Banka, by way of filing representation.

The present petition is accordingly disposed of reserving liberty to the petitioner to file detailed representation before the respondent No. 4 the District Education Officer, Banka, within a period of four weeks. If such a representation is filed by the petitioner within the time stipulated, the concerned authority is directed to consider the same and dispose it of expeditiously and preferably within a period of three months thereafter. Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to all the concerned parties.

With the aforesaid observations, this petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Veena/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.03.2020
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