

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5440 of 2020

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Bishundev Shah @ Vishnudeo Sah son of late Beju Shah @ Beju Sah,
resident of ward no. 10, Bhatouni, P.s.- Simri Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary-cum-Principal Secretary, Education Department, Patna
2. The Director, Primary Education, Patna
3. The District Magistrate, Saharsa
4. The District Education Officer, Saharsa
5. The District Programme Officer (Estab), Primary Education and Sarv Shiksha Abhiyan, Bihar Education Project, Saharsa
6. The State Project Director, Bihar Education Project Council, Shiksha Bhawan, Rastrabhasha Parishad Campus, Saidpur, Rajendra Nagar, Patna-800004

... .. Respondent/s

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr. Anant Kumar 1
For the Respondent/s : Mr. Girijish Kumar

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-12-2020

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

"(i) For issuance of an appropriate writ/s, order/s, direction/s to the respondents to upgrade Madhya Vidyalaya, Bhatouni, Saharsa upto class IX, in place of upgrading Madhya Vidyalaya, Bharpura, Saharsa which has already surrounded by two High Schools at distance of only half kilometer.



ii. For issuance of an appropriate writ/s, order/s, direction/s to the respondent to pass appropriate order upon the representation filled by the villagers of Bhatouni through e-mail and other sources on 24.06.2019 and consider case of Madhya Vidyalaya Bhatouni for up-gradation upto Class-IX since it has no facility of higher education in the area where other high schools are situated at the distance of 5-6 kilometers."

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation which the petitioner shall be filing for redressal of the grievance(s).

State has no objection to the same.

As such, petition is disposed of in the following terms:

The petitioner shall file a representation before the authority concerned within a period of eight weeks.

The concerned respondent is directed to consider and decide such representation expeditiously and preferably within a period of two months from the date of its filing along with a copy of this order.

The proceedings, during the time of current Pandemic-Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

Equally, liberty is reserved to the petitioner to take



recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing be afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.01.21
Transmission Date	NA

