

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5993 of 2020

=====

Ajabi Mahto son of Dwarika Mahto, resident of Village- Balba, Ward No. 3,
Sahri, P.s.- Ghoswari, District- Patna-811104

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Principal Secretary, Human Resources Development Department,
Government of Bihar, Patna
4. The Director, Higher Education, Bihar, Patna
5. The District Education Officer, Bihar, Patna
6. The District Programme Officer, (Total Education), Bihar, Education Project
Council, Patna
7. The Block Education Officer, Ghoswari, Patna

... .. Respondent/s

=====

(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.Arvind Kumar
For the Respondent/s : Mr.Smt.Binita Singh (Sc28)

=====

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 the following relief(s):-

"(i) To issue an appropriate order/s, direction(s) including a writ preferably in the nature of mandamus, commanding and directing upon the respondents to upgrade the Samya Balwa Middle School into Higher Secondary School (10+2) standard situated in village Panchayat Trimuhan within Ghoswari Block of Patna district which fulfills all the criteria for upgradation.

(ii) To direct the respondents to upgrade the aforesaid school



into higher secondary school (10+2) standard in view of the report of the Block Education Officer, Ghoshwari submitted to the District Education Officer, Patna."

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)

veena/rrajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.01.2021
Transmission Date	NA

