

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10831 of 2020

1. Anand Shankar Upadhyay, Son of Chhedi Upadhyay, Resident of Village- Parhi, Post- Parhi, P.S.- Chand, District- Kaimur at Bhabua. Resident of Village- Padhi, Post- Chand, P.S.- Chand, District- Kaimur at Bhabua.
2. Bhanu Prasad Yadav, Son of Nanhu Yadav, Resident of Village- Parhi, Post- Parhi, District- Kaimur at Bhabua. Resident of Village- Padhi, Post- Chand, P.S.- Chand, District- Kaimur at Bhabua.
3. Ram Raj Yadav @ Ram Raj Chamar, Son of Late Baij Nath Chamar, Resident of Village- Parhi, Post- Parhi, P.S.- Chand, District- Kaimur at Bhabua. Resident of Village- Padhi, Post- Chand, P.S.- Chand, District- Kaimur at Bhabua.
4. Rahamtulla Khan, Son of Amanullah Khan, Resident of Village- Parhi, Post- Parhi, P.S.- Chand, District- Kaimur at Bhabua. Resident of Village- Padhi, Post- Chand, P.S.- Chand, District- Kaimur at Bhabua.
5. Ashok Sharma, Son of Ghashi Sharma, Resident of Village- Parhi, Post- Parhi, P.S.- Chand, District- Kaimur at Bhabua. Resident of Village- Padhi, Post- Chand, P.S.- Chand, District- Kaimur at Bhabua.
6. Sadanand Kumar, Jaiswal Son of Khobhari Jaiswal, Resident of Village- Parhi, Post- Parhi, P.S.- Chand, District- Kaimur at Bhabua. Resident of Village- Padhi, Post- Chand, P.S.- Chand, District- Kaimur at Bhabua.
7. Gulab Chamar @ Gulab Ram, Son of Jaga Chamar, Resident of Village- Parhi, Post- Parhi, P.S.- Chand, District- Kaimur at Bhabua. Resident of Village- Padhi, Post- Chand, P.S.- Chand, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education, Bihar at Patna.
2. The Deputy Secretary of the Government of Bihar at Patna.
3. The Director of Secondary Education Education Department, Bihar at Patna.
4. The District Magistrate cum Collector Kaimur at Bhabua.
5. The District Education Officer Kaimur at Bhabua.
6. The Block Development Officer Block- Chand, District- Kaimur at Bhabua.
7. The Head Master of Upgraded Middle School Padhi, P.S.- Chand, District- Kaimur at Bhabua.
8. The Head Master Upgraded Middle School Ekouni, P.S.- Chand, District- Kaimur at Bhabua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Respondent/s : Mr. Ajay Kumar Rastogi, AAG-10



Mr. Shashi Shekhar Tiwari, AC to AAG-10

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

Date : 27-09-2021

The petitioners have prayed for the following relief/s :-

“For issuance a writ, order or direction including a writ in the nature of certiorari to set aside the letter no.49 dated 16-1-2020 as issued by the Director of Secondary Education, Bihar at Patna to the District Magistrate, kaimur at Bhabua by which the Director of Secondary Education, Patna has modified the letter No.11 dated 30-12-2019 (Annexure No.3) which was approved by the Deputy Secretary of Bihar government earlier and may be issuance a writ order or direction including a writ in the nature of mandamus commanding to the respondents to not interfere in final approval letter No.578 dated 25-2-2019 (Anneuxre No.1) issued order by the Deputy Secretary of Bihar Government relates to the serial No.13 on the basis of proposal of District Level Committee decided by competent authority and approved by the State Government and / or may be pass other relief which the petitioners are entitled to.”

Vide order dated 25.02.2019, the government decided to upgrade the Middle School, Padhi. However, the government did not take the matter to its logical conclusion and in turn



upgraded the existing school at Akauni. The error which had crept in order dated 25th February, 2019, whereby in place of Akauni, Padhi was mentioned and explained in the counter affidavit filed on behalf of the respondent Nos. 2, namely, the Deputy Secretary of the Government of Bihar, Patna and 3, namely, the Director of Secondary Education, Education Department, Bihar at Patna.

Respondent No.3, the Director of Secondary Education, Education Department, Government of Bihar, Patna, has filed said affidavit explaining not only the error but also the demand of public interest to upgrade the school which was so done much prior to filing of the instant petition which fact was not brought to the notice of the authority.

In the circumstances, we cannot allow the present petition in terms of prayer reproduced (supra).

It has come on the record that as per the policy decision, only one school in panchayat is to be upgraded. If, however, in future, the government takes a decision to upgrade another school, it shall be open to the petitioner to represent before the authority concerned.

With the aforesaid observation, the instant petition stands disposed of.



Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sanjay/

AFR/NAFR	
CAV DATE	
Uploading Date	29.09.2021
Transmission Date	

