

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1469 of 2021

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Yogendra Kumar S/o-Kamlesh Yadav R/o Village-Chatwan, P.S.-Tikari,
District-gaya, Bihar-824235.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department (HRD), Govt. of Bihar, Patna
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Education Officer, Gaya.
5. The Sub-Divisional Officer, Tikari, Gaya.
6. The Block Education Officer, Tikari, Gaya.

... .. 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. Ram Babu, Adv.
For the Respondent/s : Ms. Shilpa Singh (GA-12)

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

Date : 28-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

(i) For issuance of a writ in the nature of a writ of Mandamus commanding the respondent Authorities for approval of up-graded High School in Chatawan Panchayat & not in Khaira Panchayat in view of Bihar Govt's Education Policy as well as in view of The Right of Children of Free & Compulsory Education Act,

2009 as Chatawan Panchayat fulfills all the criteria of up gradation but even then is not being considered due to extraneous reasons & colorable exercise of power of respondents Authorities.

(ii) For holding that up gradation of Schools from primary to middle or middle to high School is not the discretion of Authorities rather certain criteria such as availability of infrastructure as Lands & number of students as well as on the basis of Total Population of any locality as well as distance from the nearest High School & other bonafide standard in view of prevailing circumstances in any locality for location /up gradation of Schools in larger public interest.

(iii) For any other relief/(s) applicable in the facts and circumstances of the case.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along

with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

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

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioner to approach the

Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) 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;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29/6/21
Transmission Date	NA