

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10596 of 2020

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Abhishek Anand S/o Rabindra Kumar Sharma, Resident of Village-Chapri,
P.S.-Amarpur, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Department of Education, Govt. of Bihar.
3. The Director (Primary Education) Govt. of Bihar.
4. The Bihar Education Project Council through its State Project Director,
Bihar Education Project Council, Patna.
5. The District Education Officer, Banka
6. The District Programme Officer (Prathamik Siksha and Samarag Siksha)
District-Banka
7. The Headmaster Upgraded Middle School, Mahauta, Anchal Amarpur,
District-Banka
8. Si Mriunjay Sharma Son of Known Ex-Mukhia Bikhampur Panchayat R/o
Village-Mahauta P.S.-Amarpur, District-Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Sevak Choudhary, Adv.
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

2 20-04-2022 The case is being taken up from defect side.

Learned counsel for the petitioner is directed to submit the original petition along with attested affidavits and also remove the defects pointed out by the Registry within two weeks from today.

The petitioner by way of this writ petition assailed the decision of the Director, whereby he has refused to upgrade the Middle School, Chapri from Class IX to Class X, while another school namely Middle School, Mahauta has been allowed to



upgrade.

Learned counsel submits that initially both the schools were recommended for up-gradation and merely because of the land dispute, in relation to the land on which the school at Chapri is situated is under dispute in Title Suit, the upgradation has been stopped.

I have considered the submission.

Question regarding up-gradation of schools is a purely administrative issue which requires to be examined at the level of the educational authorities. However, if there has been a recommendation of up-gradation, it is for the Director to examine whether only on account of the pendency of Title Suit the school should be denied up-gradation or not. If it has other sufficient infrastructure in this regard, the petitioner may make an appropriate representation to the Director, who will examine the issue independently and take a decision at its own level preferably within a period of three months from the date of filing of the representation.

The writ petition is disposed of with the aforesaid terms.

(Sanjeev Prakash Sharma, J)

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