

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.704 of 2021

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SATYENDRA PRASAD SON OF LATE RAMESHWAR MAHTO Resident
of Village- Sinawan, Police Station- Parwalpur, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Government of Bihar, Patna
3. The District Magistrate, Nalanda
4. The District Education Officer Nalanda
5. The Block Education Officer, Parwalpur, Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prashant Kumar, Adv.
For the State	:	Mr. Madhaw Pd. Yadaw, GP-23, Mr. Arvind Kumar, AC to GP-23

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 21-06-2022 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 all the defects pointed out by the Registry within two weeks from today.

Admittedly, the impugned order for up-gradation of the school namely Middle School, Vijayapura in Alawan, Block-Parwalpur, District- Nalanda was passed on 26.11.2019. Three education Sessions have gone by. Students, who would have been admitted in 9th Class would have passed the 10th Class also and a second batch of Students in 9th Class would have already been admitted or may have been promoted in 10th Class.



The prayer made by the petitioner to quash the order of up-gradation dated 26.11.2019, therefore, in the opinion of this Court has become infructuous with the efflux of time.

The students, who have already acquired their right to continue their studies in higher class in the said School cannot be left high and dry. Even if the petitioner had any case on merits, the same cannot be examined after such efflux of time.

It is, however, noticed that the petitioner has come before this Court not only for setting aside the order of up-gradation dated 26.11.2019, but also prays that another School situated at Sinawan in the same Block should be up-graded.

With regard to the said aspect, petitioner would be always free to make appropriate representation to the authorities, who will examine the same on administrative set up and requirement and if possible, the authorities shall be free to up-grade the said School also.

Granting the said liberty, this writ petition is dismissed as infructuous as efflux of time.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 32

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