

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.212 of 2021

1. Janta Janki High School Madan Sirsiya East Champaran through its Head Master, Vijay Kumar aged about 40 years (Male), S/o Kapil Devedo Singh, Resident of Bhagwanpur Kashi, P.S. Madhubani, District- Muzaffarpur.
2. Mahant Ram Charitt Das High School Madpa Mohan, East Champaran through its Head Master Md. Ishteyaque Ahmad, Aged about 49 years (Male), S/o Md. Izhar Husain, Resident of Jamuniya, P.S. Phenara, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principle Secretary, Human Resource Department, Government of Bihar, Patna.
3. The Director, Higher Secondary, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Tirhut at Muzaffarpur.
5. The District Magistrate, East Champaran.
6. The District Education Officer, East Champaran.
7. The District Programme Officer, East Champaran.
8. The Block Education Officer, Kalyanpur, East Champaran.
9. The Block Education Officer, Phenara, East Champaran.
10. The Head Master, Upgraded Middle School, Madan Sirsiya, P.S. Kalyanpur, District- East Champaran.
11. The Head Master, Upgraded Middle School, Mankarwar, P.S. Phenara, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Wasi Akhtar, Adv.
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 11-05-2022

The case is being taken up from defect side.

Learned counsel for the petitioners 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.



The petitioners have prays for the following reliefs:-

“1. That, the petitioner seeks the following reliefs through present application in order to protect and maintain authority of judiciary and establish rule of law through invoking writ jurisdiction of this Hon’ble Court.

i. For a issuance of an appropriate writ, order and direction directing the respondent authorities to recognize/take over petitioner instead of up gradation Govt. School as there Govt. school have not requisite land as well as infrastructure as per Govt. notification memo no. 11/yo 2-03/2012 1021 dated 05.07.2013 and further take decision with regard to petitioners school which having sufficient land and infrastructure as per the Govt. guideline.

ii. For issuance of appropriate order/orders direction to respondent no. 5 the District Magistrate, East Champaran to take decision over the representation dated 23.01.2020.

iii. For any other relief or reliefs for



which the petitioner is deem fit and proper.”

From perusal of the prayer made by the petitioners, this Court finds that the Schools, who are before this Court are claiming a higher administrative set up and seek the respondents authorities to take over the schools. Such action is a pure administrative action depending upon the policies of the State Government. No right of any person are involved nor any rights have been curtailed. The power under Article 226 of the Constitution would, therefore, not be moved as there is no right to take away by the petitioners.

In view thereof, the writ petition is held to be not maintainable and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 48

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