

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24075 of 2019

Jaypat Hajra, son of Parichan Hajra, resident of village- Ward No. 3, Rampur Bairagi, P.O. and P.S. - Bishambharpur, District- West Champaran.

... Petitioner

Versus

1. The State of Bihar through the Secretary, Education Department, Patna, Bihar.
2. The District Magistrate, West Champaran at Bettiah.
3. The District Education Officer, West Champaran at Bettiah. ... Respondents

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr.Amit Bhushan, AC to GP XVII

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 28-11-2022 Counsel for the petitioner is not present. His colleagues seeks time.

This writ petition is pending since 2019 for upgradation. The petitioner by way of this writ petition has prayed as under :

“..... for issuance of an appropriate writ, order or direction, particularly in the nature of Mandamus directing the respondents to upgrade Rajkiya Utkramit Madhya Vidyalay, Rampur Bairagi, as High School, as this school is the oldest school in the Panchayat and has been upgraded (Utkramit) earlier to Jagannathpur Rajkiya Madhya Vidyalay and the children of the Panchayat are facing difficulties in pursuing their high school study, as one Din Dayal Singh Uchhvidyalay, Jhanjharpur is six kilometer away from the panchayat, similar other high school, Alwar Sankh High School is seven kilometer away from the Panchayat and Project



Kanya Uchh Vidyalaya is five kilometer away from the Panchayat, as such the students of the Panchayat facing difficulties in pursuing their studies and attending classes in the far away school and are compelled to take admission in the school far from their areas in this context the writ petitioner as well as the local residents of the Panchayat has been demanding upgradation of Rajkiya Utkramit Madhya Vidyalay, Rampur, Bairagi, as the high school and the combined education from class 1 to Matric be provided to the students of the locality.”

Granting upgradation as a high school, is an administrative task of the Government. It has to consider different criterias and also examine the requirement of upgradation whereafter it is taken at the level of the authorities, no judicial review can be conducted with relation to such an administrative exercise.

In the case of Janta Janki High School & Anr. Vrs. the State of Bihar & Ors. (C.W.J.C. No. 212 of 2021) decided on 11.05.2022 this Court held as under :

“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.”

The writ petition in this regard would not be maintainable, therefore, it is dismissed.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 53

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