

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.215 of 2023**

=====

Dhanush Lal Mahto Son of Late Saryug Mahto Resident of Ward No.- 8,  
Betaunha, P.O.- Belhi, P.S.- Jainagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, Secondary Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Magistrate-cum-Collector, Madhubani.
5. The District Education Officer, Madhubani.
6. The District Programme Officer (Establishment), Madhubani.
7. The District Programme Officer, Elementary Education and Sarv Shiksha Abhiyan, Madhubani.
8. The Block Education Officer, Jaynagar, District- Madhubani.
9. The Circle Officer, Jaynagar, Distt.- Madhubani.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sri Krishna Ranjan, Adv.

For the Respondent/s : Mr. Kameshwar Kumar ( GP 17 )

=====

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

ORAL ORDER

2      20-01-2023                      1. The petitioner by way of this writ petition prays to direct the respondents to upgrade the Middle School (Harizan) Betaunha, Block- Jaynagar, District- Madhubani to Secondary School as it fulfills all the requisite criteria and there is no High School present running in the said Panchayat. He further prays that the building being constructed at Middle School Bela be stopped and the respondents make the present school namely the Middle School, Betaunha up to Secondary School.

2. Essentially, the petitioner seems to be aggrieved of



non-upgradation of their school at Betaunha and also to restrain from the other school being upgraded situated at Bela. This Court, in **C.W.J.C. No. 4879/2020 in Brajesh Kumar Vs. State of Bihar & Ors.** has held as under :-

*“3. Upgradation or creation of any School in a particular Panchayat or Block is an exclusive decision to be taken by an Administrative Authorities. Judicial review in this respect is minimal to the extent of discrimination alone.*

*4. However, in the present case, no right of the petitioner can be said to have been taken away or affected on account of upgradation of another School. The School in the petitioner’s locality can also be upgraded by a decision at the level of the State Government alone.”*

3. This Court reiterates that the upgradation of school is a purely administrative decision of the State which does not come within the scope of interference under judicial review under **Article 226 or 227 of the Constitution of India.**

4. The writ petition therefore, would not be maintainable for such purposes and is accordingly dismissed.

**(Sanjeev Prakash Sharma, J)**

Sachin/-  
Item No. 10

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

