

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4616 of 2020

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1. Arjun Kumar Son of Late Lakhan Mahto Resident of Village-Dona, Block-Hisua, District-Nawadah, at Present representative the Villager as Vice President of Sangarsh Morcha Samiti).
 2. Suman Kumar Son of Achytanand Pandey Resident of Village-Dona, Block-Hisua, District-Nawadah, at Present representative the Villager as Secretary of Sangarsh Morcha Samiti).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, department of Education, Government of Bihar, Patna.
2. The Bihar State Project Directorate through its Secretary, Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Deputy Director, Secondary Education, Government of Bihar, Patna.
5. The Chairman, Zila Parishad, Nawadah.
6. The District Magistrate, Nawadah.
7. The Deputy Development Commissioner, Nawadah.
8. The District Programme Officer, (Middle), Nawadah.
9. The Block Education, Extension Officer, Hisua, Nawadah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dhananjay Kumar, Adv.
For the State	:	Mr.Prabhakar Jha (Gp27)
For District Board	:	Mr.Anwar Karim, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-09-2024 Heard learned counsel for the petitioners and learned counsel for the respondents.

2. The present writ application has been filed for directing the respondents to forward and grant approval of upgradation of Middle School, Dona on the basis of recommendation made by all prescribed person under law, who made recommendation on the basis criteria fixed for recommendation on the basis criteria



fixed for recommendation under Government (Education Department) Resolution No.11/Yo2-03/2012-1021 issued vide Memo No.1021 dated 05.07.2013 and the Resolution issued vide Memo No.1492 dated 19.11.2014 by the Education Department of the State Government.

3. Learned counsel for the petitioners submits that the petitioner came to this Court in CWJC No.3376 of 2016 (Annexure-10 to the writ petition), which was disposed off on 20.05.2016 with a direction to agitate and pursue before the concerned authority, on 20.05.2016. Further, learned counsel for the petitioners seeks permission to file an Interlocutory application for adding prayer in the main writ petition.

4. On perusal of annexure-10, it appears that a co-ordinate Bench of this Court has passed the following order in CWJC No.3376 of 2016:-

“The matter raised by the petitioner is not justifiable. Such issues are required to be agitated before the concerned authorities, who are in a better position to judge the facts and the conditions, which are required for up-gradation in the interest of the students as well as society.

Let the issued be agitated and pursued before the concerned authorities.

Writ application stands disposed off with observation as above.”



5. Later on, an order was passed by the concerned Authority. Now, the petitioner wants to challenge the said order by way of filing an Interlocutory application.

6. Considering the facts and circumstances, I am not inclined to accept the Interlocutory application and the present writ petition is hereby disposed off with a liberty to the petitioners to challenge the subsequent order passed by the Authorities by filing a fresh writ application.

(Anjani Kumar Sharan, J)

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