

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8945 of 2024

Shiva Nandan Choudhary Paras Chaudhary Resident of Village - Chapri, Post
Office - Bhikhanpur, Police Station - Amarpur, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
4. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
5. The Bihar Education Project Council through the Managing Director, Shiksha Bhawan, Rashtrabhusha Parishad Campus Saidpur, Rajendranagar, Patna.
6. The Bihar Education Project Council through its State Project Director, Bihar Education Project Council, Bihar State Education, Basic Structure, Bikash Nigam Ltd., Patna.
7. The District Magistrate, Banka.
8. The District Education Officer, Banka.
9. The Regional Deputy Director, Bhagalpur Division, Bhagalpur.
10. The District Programme Officer, Secondary Education, Banka.
11. The District Programme Officer, Elementary and Serve Shiksha Abhayan (E and SSA), Banka District - Banka.
12. The Circle Officer, Amarpur Circle, Banka.
13. The Block Development Officer, Block- Amarpur, District - Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri
For the Respondent/s : Mr. Sitaram Yadav GP 16

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 03-07-2024

Heard the parties.

2. Petitioner has approached this Court for the following
reliefs:-



(i) For issuance of writ to quash the Gyapank No.91914 dated 28.11.2023 issued under the signature of respondent no.3 whereby and whereunder it has been decided to upgrade the school, Mahautha in place of middle school, Chapri.

(ii) For direction to the respondent authorities to upgrade the Middle School, Chapri, District-Banka to impart/conduct the education of Class IXth.

(iii) For issuance of direction to the respondent authorities to properly enquire the land of Middle School, Chapri which has been shown lesser in area.

(iv) For issuance of any other writ, order, direction to which petitioner's found entitled to in the facts and circumstances of the present case.

3. Earlier one another person from the same village as of the petitioner moved before this Court for the same reliefs in C.W.J.C. No.10596 of 2020. A co-ordinate Bench of this Court passed an order in the said C.W.J.C. No.10596 of 2020 dated 20.04.2022 and held that question regarding up-gradation of schools is a purely administrative issue which requires to be examined at the level of educational authorities.

4. The C.W.J.C. No.10596 of 2020 was disposed of with a direction that if there has been a recommendation of up-gradation, it is for the Director to examine whether only on



account of pendency of Title Suit the school would be denied up-gradation or not. It is has other sufficient infrastructure in this regard, the petitioner may make an appropriate representation to the Director, who will examine the issue independently and take a decision at its own level preferably within a period of three months from the date of filing of the representation.

5. The representation of the petitioner of C.W.J.C. No.10596 of 2020 was rejected by the Director.

6. Considering the facts and circumstances of the case, it is an admitted fact that the petitioner is the resident of the same village as of the petitioner of C.W.J.C. No.10596 of 2020 and has filed the present case for similar reliefs.

7. The present writ application is dismissed on account of being non-maintainable as one person from the same village has approached this Court for similar reliefs on the same issue.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.07.2024
Transmission Date	NA

