

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9874 of 2021**

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Ram Bahadur Prasad, S/o Late Devki Ray, R/o Village-Chhota Jhaua, Police Station-Awatarnagar, District-Saran (Chapra).

... .. Petitioner/s

Versus

1. State of Bihar through the Principal Secretary, HRD Department, Bihar, Patna.
2. The District Magistrate, Saran, Chapra.
3. The Sub-Divisional Officer, Sadar, Saran, Chapra.
4. The DCLR, Sadar, Chapra.
5. The District Education Officer, Saran, Chapra.
6. The District Programme Officer, Samagra Shiksha, Saran, Chapra.
7. The Circle Officer, Garkha, Saran.
8. The Mukhiya, Gram Panchayat Raj, Panchpatiya, Deoriya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s :

For the Respondent/s :

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**

**Date : 05-02-2026**

The petitioner has approached this Court seeking a direction upon the respondents to upgrade the Middle School, Chhot Jhauan to High School since the school is fulfilling all criteria to be upgraded and the land for above stated purpose is already available, besides there is recommendation for transfer of the Government land for construction of the building of the School in question.

2. To examine the claim of the petitioner, this Court had earlier directed the concerned respondents to ensure filing of the



counter affidavit and apprise this Court with regard to the position of the School in question.

3. Learned Advocate for the State referring to the counter affidavit submits that besides the fact the petitioner being the villager, filed the present writ petition for upgradation of the School in question, the Government has fixed the criteria for upgradation of the Middle School to High School. A school must have a minimum of 0.75 acre land for development of basic structure of the High School out of which at least 40 decimal must be of vacant land. Subsequent thereto, the District Programme Officer vide its letter No. 1122 dated 30.04.2025 directed the Block Education Officer, Garkha to submit a detailed report after making proper verification. The Block Education Officer submitted a report that there is no sufficient land available for upgradation of the present Middle School. Moreover, previously one upgraded Middle School, Panchpatiya has already been upgraded into the High School in the same Panchayat. Thus considering the afore noted factual position as also the enquiry report dated 10.05.2025, the District Programme Officer denied for upgradation of the Middle School, Chhot Jhaua to the High School, Chhot Jhaua.

4. Having considered the submissions advanced and the



materials available in the counter affidavit, especially the enquiry report which, *prima facie*, suggests that the school in question does not fulfill the requisite criteria for upgradation from Middle School to the High School, besides it the policy decision of the State Government, this Court does not find any reason or occasion to interfere in the present writ petition. Accordingly, the present writ petition stands dismissed.

**(Harish Kumar, J)**

Anjani/-

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