

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1146 of 2015

Manohar Soni S/o Late Ramnarayan Soni Aged About 40 Years The President, Shala Prabandhan & Vikas Samiti, Government Middle School Mathpara, Dhamtari, PS & District Dhamtari; R/o Sindhi Dharamshala Goura Choura, Amapara Dhamtari, District Dhamtari (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. The Collector Dhamtari, District Dhamtari (Chhattisgarh)
3. The District Education Officer, Dhamtari, District Dhamtari (Chhattisgarh)
4. The Block Education Officer, Block Dhamtari, District Dhamtari (Chhattisgarh)
5. The Head Master Govt. Middle School Mathpara Dhamtari, District Dhamtari (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For Respondent/State	:	Shri R.K. Gupta, Dy.A.G.

District Education Officer, Dhamtari is also present in the Court.

Order On Board

01/09/2015

Heard.

1. The petitioner has filed this petition impugning order dated 1.6.2015 issued by the Block Education Officer, Dhamtari, rejecting petitioner's objection against merger of petitioner's school with another school.
2. Learned counsel for the petitioner submits that the petitioner's school is an old one established since 1975 and having capacity of 100-150 students in the Sessions 2015-16. There are 6 dependent schools under the school at Mathpara. The action of the respondents in merging petitioner's school with the Girls Middle School is highly arbitrary because there were other schools within an area of ½ k.m. which could be merged. Action of merger of petitioner's school is contrary to the policy of rationalization dated 17.3.2015.
3. The petitioner has filed this petition challenging the action of merger without

disclosing as to how the merger would adversely affect studies of students who are admitted in the school at Mathpara. Merger of schools into each other are all matters of administrative arrangement and management. What would be the best in the interest of management of the school, is a matter purely in the realm of administrative functions. Unless it is demonstrated with precision that such merger will have adverse affect on the studies of all the students in the school at Mathpara and any legal injury caused either to the petitioner himself or to any of the students who are studying in the school, merely because some other alternative arrangement was also possible like merger with other schools within an area of ½ k.m., no interference is called for.

4. The District Education Officer, Dhamtari, who is present in the Court today, has stated that the merger will not adversely affect the studies of the students in the school at Mathpara which is co-ed school and is being merged with a Girls Middle School. The students in the present school will continue to study in the same school and the merger will not reduce number of teachers available for teaching in the school at Mathpara. The merger has been affected only to ensure better management of the educational institutions and nothing more.
5. In view of the aforesaid consideration, the petition is liable to be dismissed and is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge