

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(C) No. 1184 of 2015

- Chetan Singh S/o S/o Mohan Singh Aged About 30 years R/o Sarnapara, Korandha, P.S. Pratappur, District Surajpur, (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, (Chhattisgarh)
- Collector, Surajpur, District Surajpur, (Chhattisgarh)
- District Education Officer, Surajpur, District Surajpur, (Chhattisgarh)
- Block Education Officer, Pratappur, District Surajpur, (Chhattisgarh)

---- Respondents

For Petitioner : Shri N.K. Chatterjee, Advocate
For Respondents/State : Shri Satish Gupta, Govt. Advocate on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

13/07/2015

The petitioner who claims to be the president of the Shala Prabhandhan and Vikas Samiti has filed this petition being aggrieved by the decision of the District Education Officer in merging Primary School, Sarnapara with Primary School, Korandha.

Short submission is that as per the policy, if the students are less than 11 and the distance of nearest school is within a range of 0.5 Kms then only, merger could took place. The factual data on the basis of which decision to merge has been taken is incorrect. In Sarnapara School there are as many as 23 students and the distance of Sarnapara Primary School is 1.5 Kms away from Primary

School, Korandha. Representations have been made to the Collector but no enquiry has been made till date.

2) Learned State counsel submits that the relief has been sought on certain factual assertions which are matters of enquiry.

3) Considering that the issue relates to running of a Primary School to cater to the needs of the students of Sarnapara, it would be proper to direct the competent authority namely, District Education Officer to enquire into the matter particularly, with reference to the petitioner's assertion that in the School at Saranapara, there are 23 students which is situated at a distance of 1.5 Kms from School at Korandha. The petitioner may file an application before respondent No.3 District Education Officer with the details of the number of students and the certificate (Annexure P-6) issued by the Executive Engineer. A summary enquiry shall be made by the District Education Officer within a period of 15 days from the date of receipt of copy of this order. Based on factual details collected in that enquiry, the District Education Officer shall pass a speaking order in the matter within 15 days from the date of receipt of copy of this order. Time bound direction is being given taking into consideration that any delay would adversely affect the studies of the students. Therefore, the District Education Officer shall strictly comply with the time limit granted by this Court. Any delay in decision of the matter shall call for strict action.

4) With the above directions, the petition is disposed of.

- 5) Certified copy to both the parties within two days.

Sd/-
(**Manindra Mohan Shrivastava**)
JUDGE