

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2031 of 2015

1. Rajesh Kumar Vishwakarma S/o Lt. Kamlesh, Aged About 36 Years R/o Quarter No. 64, Badabazaar, Tikrapara, Chirmiri District Koriya (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of School Education, Mahanadi Bhavan, Mantralaya, Naya Raipur (Chhattisgarh).
2. District Education Officer, District Koriya (Chhattisgarh)
3. Block Education Officer, Khadganwa, District- Koriya (Chhattisgarh)
4. Assistant Commissioner, Tribal Development, District Koriya (Chhattisgarh)
5. Head Master, Primary School Boys, Badabazaar, Tikrapara, Chirmiri District Koriya (Chhattisgarh)
6. Head Master, Primary School Girls, Badabazaar, Tikrapara, Chirmiri District Koriya (Chhattisgarh)
7. Head Master, Primary School Girls (Ajak), Badabazaar, Tikrapara, Chirmiri District Koriya (Chhattisgarh)
8. Head Master, Balak Uchchar Madhyamik Vidyalaya, Badabazaar Chirmiri District Koriya (Chhattisgarh)
9. Head Master, Kanya Uchchar Madhyamik Vidyalaya, Godaripara Chirmiri District Koriya (Chhattisgarh)

---- Respondent

For Petitioner	Shri Kishore Narayan, Advocate
For Respondent/State	Shri Adiraj Surana, Dy. Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

02/12/2015

1. Heard finally with the consent of learned counsel for the parties.
2. The petitioner is father of the two students, who are studying in class-V and Class-IX in the Primary School Girls, Badabazaar, Chirmiri and Kanya Uchchatar Madhyamik Vidyalaya, Godaripara, Chirmiri. This petition has been preferred against an order issued by the respondent No.3 whereby two girls primary school i.e. Primary School, Badabazaar, Chirmiri and Primary School, Badabazaar, Chirmiri (AJAK) have been merged with Balak Uchchatar Madhyamik Vidyalaya Godaripara, Chirmiri pursuant to the scheme of rationalization of schools.
3. It appears, by Circular dated 17.03.2015, the State Government decided to rationalize all Government Primary Schools and Higher Secondary Schools. The circular mentions various criteria for affecting rationalization, which includes number of students, distance between two existing schools, opening of schools in the names of any legendary person or on the occasion of arrival of any dignitary, any hurdle for approaching the schools, when the number of students are 10 or less, when

more than one school are operating within the same premises or within radius of 300 meters etc.

4. Needless to say that when such decision is taken keeping in view the factors stated above, the same is an administrative decision taken by the competent authority on subjective satisfaction about the viability or reasonability of merging one school with the other schools. The decision has not been taken as a quasi judicial authority or for disturbing the existing right of any teachers or students or employees working in one or the other schools. Even otherwise, the petitioner being father of the students, no constitutional or statutory right of his sons have been infringed by the impugned order.
5. The Supreme Court in the matter of **State of Uttar Pradesh and others vs. Rakesh Kumar Keshari and another** reported in **(2011) 5 SCC 341**, has reiterated the scope of interference under Article 226 of the Constitution of India. It is observed therein that the power of judicial review is not intended to assume a supervisory role or don the robes of the omnipresent. The power of judicial review is not intended either to review governance under the rule of law nor do the Courts step into the areas exclusively reserved by the Constitution to the other organs of the State. The Court shall not ordinarily interfere with a policy decision of the State. The decision and actions which

do not have adjudicative disposition would not strictly fall for considerations before a judicial review Court.

6. In view of the above principle, this Court does not find any ground for interference in this writ petition. It fails and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra