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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2296 of 2015

- M. P. Vanwasi Sewa Mandal, Mandla Through Its Secretary, M. P. Vanwasi Sewa Mandal, Mandla, Tahsil, Revenue & Civil Dist, Mandla (Madhya Pradesh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, School Education Department, Mantralaya, New Raipur, Police Station - Rakhi, Revenue And Civil District - Raipur (Chhattisgarh)
2. The Under Secretary, School Education Department, Mantralaya, New Raipur, Police Station - Rakhi, Revenue And Civil District - Raipur (Chhattisgarh)
3. The Collector, Office Of The Collector, Revenue & Civil District Kabirdham (Kawardha) (Chhattisgarh)
4. District Education Officer, Office Of The District Education Office, Kabirdham, Tehsil, Revenue & Civil District Kabirdham (Kawardha) (Chhattisgarh)
5. Block Education Officer, Pandaria, Tehsil Pandaria Revenue & Civil District Kabirdham (Kawardha), Chhattisgarh
6. Government Primary School, Devsara, Through, Its Head Master, Village Devsara, Tehsil Pandaria, Revenue & Civil District Kabirdham (Kawardha), Chhattisgarh
7. Government, Adiwasi Balak Ashram, Devsara, Through, Its Head Master, Village, Devsara, Tehsil Pandaria, Revenue & Civil District Kabirdham (Kawardha), Chhattisgarh

---- Respondents

For Petitioner	Shri Vinod Deshmukh, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/12/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner is a society registered under the Chhattisgarh Society Registrkaran Adhiniyam, 1973. It is operating primary schools in the State of Madhya Pradesh as well as in the State of Chhattisgarh. Under the scheme of rationalization of schools, an order was passed on 15.06.2015 rationalizing and merging several government primary schools to function under the petitioner society. The said order has now been cancelled by the two impugned orders dated 03.10.2015 in respect of the Government Primary School, Devsara, District Kabirdham and the Government Primary School (Balak Ashram), Devsara, District Kabirdham.
3. Learned counsel for the petitioner would submit that the impugned order has been passed without giving any opportunity of hearing nor any reason has been assigned for cancelling the earlier order, therefore, the same is illegal and arbitrary. He would also submit that the earlier order having already been implemented, those two government schools can continue to function under the petitioner society.
4. Learned State counsel would submit that the petitioner being a private society, though 100% aided, a government primary school should not have been rationalized, therefore, realizing the mistake, the earlier order has been cancelled.
5. Under the scheme of rationalization, the Government decided to rationalize and merge schools run under the School Education

Department and Private Education Department with each other, for which the guidelines were issued clearly mentioning the factors, which would govern rationalization of schools. The scheme nowhere stated that the government schools would be placed under the control of private schools. The petitioner, being a private society, the order of rationalization, bringing two government schools within the control of the petitioner, was itself an incorrect decision and the same appears to have been made by an inadvertence. The scheme of rationalization nowhere confers any right on any school, with which another school is merged, to continue to run the school. The decision concerning the rationalization has no adjudicatory disposition, therefore, principles of natural justice are not attracted.

6. The impugned order being purely administrative in nature and there being no right in favour of the petitioner under the scheme of rationalization, the order does not suffer from any statutory or constitutional violation, therefore, there is no substance in this writ petition, it fails and is hereby dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA