

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1766 of 2015

- Dilip Kewat S/o Shri Sohit Ram Kewat Aged About 41 Years
Occupation Agriculture Labour, R/o Kirari, Janpad Panchayat
Malkharouda, P. S. Malkharouda, Civil & Revenue Distt. Janjgir-
Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of
School Education, Mantralaya, Mahanadi Bhawan, Capital
Complex New Raipur, Distt. Raipur (Chhattisgarh)
2. Collector Janjgir, Distt. Janjgir-Champa (Chhattisgarh)
3. District Education Officer, Janjgir, Distt. Janjgir-Champa
(Chhattisgarh)
4. Block Education Officer, Malkharouda, Distt. Janjgir-Champa
(Chhattisgarh)
5. Central Resource Cluster (C R C) Jamgahan, Block, Malkharouda,
Distt. Janjgir-Champa (Chhattisgarh)

---- Respondent

For Petitioner

Mr. Sunil Sahu, Advocate

For Respondent/State

Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

2/11/2015

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-IV and Class-I respectively in the Government Primary School, Kirari District Jangjir Champa. This petition has been preferred against an order issued by the Collector, Janjgir-Champa, whereby, the

Government Primary School, Kirari has been merged with Government Primary School, Tulsidahar, Kirari 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 criterias 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 a 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 (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)

Shyna