

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 802 of 2016

1. Shri Shravan Kumar Sahu S/o Shri Jogi Ram Sahu, Aged About 42 Years R/o Dhaneli Janpad Panchayat- Pandariya, District Kabirdham (Chhattisgarh)
2. Ramavatar S/o Gangaram Chandrakar, Aged About 50 Years R/o Dhaneli Janpad Panchayat- Pandariya, District Kabirdham (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through, The Secretary, Department Of School Education, Mahanadi Bhawan, New Raipur, Raipur (Chhattisgarh)
2. Collector, Kabirdham, Distt. Kawardha (Chhattisgarh)
3. The Executive Engineer, Public Work Department, Division Kawardha, Distt. Kabirdham (Chhattisgarh)
4. State Madhyamik Education Mission, Chhattisgarh State Project Office, 2nd Floor, Integrated Education Building, Pension Bada, Raipur (Chhattisgarh)
5. The Sarpanch, Gram Panchayat Bhagatpur, Tehsil Pandariya, District Kabirdham (Chhattisgarh)
6. Sarpanch, Gram Panchayat, Dhaneli, Tehsil Pandariya, Distt. Kabirdham (Chhattisgarh)
7. District Education Officer, Office Of The District Education Officer, Kawardha, Disst Kabirdham (Chhattisgarh)

---- Respondents

Shri Vivek Verma, counsel for the petitioner/s.

Shri Satish Gupta, Govt. Adv. for the State / respondents 1 to 3 and 7 on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/04/2016

Petitioner's grievance is that though there is need for construction of school at Dhaneli, sanction has been granted for construction of school at Bhagatpur. It is submitted that the Collector has also sent memo dated 19/11/2015 to Executive Engineer, PWD for change of location of construction

followed by request letter sent by the Gram Panchayat, Bhagatpur. Vide memo dated 23/11/15, the Executive Engineer has informed that the construction is being raised at the place where it has been sanctioned and any change of location can be done only by the Rajya Madhyamik Shiksha Mission / respondent No.4. The matter is pending with the Director without any decision.

2. Learned State counsel submits that an administrative decision in the matter is required to be taken by the Director, Public Instructions and the Mission.

3. It appears that the sanction has been granted for construction of school at Bhagatpur but later on, there arose a demand for construction of school at Dhaneli. The place where school is to be constructed, is to be decided by the administrative authorities.

4. Considering that the matter has been referred by the District Education Officer to the Director/ Public Instructions and further taking into consideration that the school is being constructed under the scheme of Rajya Madhyamik Shiksha Mission, it would be in fitness of things that the Director, Public Instructions, in consultation with the Mission, takes appropriate decision with regard to the location at the earliest, because if decision is not taken at the earliest, there is likelihood of public money wasted.

5. In view of above consideration, it would be proper to direct respondent No.4 as also to the Director, Public Instructions to act in coordination and take appropriate decision in the matter with regard to the location within a period of 45 days from the date of receipt of copy of the order by respondent No.4 and Director, Public Instructions.

Sd/-

(Manindra Mohan Shrivastava)
Judge