

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 690 of 2015**

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

---- Appellant**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- Korea (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 Uchchatar Madhyamik Vidyalaya, Badabazaar Chirmiri District Koriya (Chhattisgarh).
9. Head Master, Kanya Uchchatar Madhyamik Vidyalaya, Chirmiri District Koriya (Chhattisgarh).

---- Respondents

For Appellant	:	Shri V.V.S. Murthy, Senior Advocate with Smt. Smriti Shrivastava, Advocate.
For Respondent/State	:	Shri U.N.S. Deo, Government Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****07/01/2016**

1. Heard Learned Senior Counsel for the Appellant and the State.

2. The present appeal arises from order dated 2.12.2015 dismissing Writ Petition (C) No. 2031 of 2015 declining to interfere with the government decision taken under the policy for rationalization of schools by which the two Girls Primary Schools at Bada Bazar, Chirmiri have been merged with Balak Uchhtar Madhyamik Vidyalaya, Godaripara, Chirmiri.

3. The Appellant is stated to be father of the two girl students studying in Class-V and IX at Chirmiri. Learned Senior Counsel for the Appellant submits that the government policy for rationalization itself provides that before passing orders for mergers, it is to be ensured that there was adequate sitting space for the extra students, who would come consequently. In absence of sitting space, the government guidelines itself provides that rationalization was not to be done. There exists no sufficient space at Godaripara if the students from Chirmiri are merged with the former school. These aspects have not been considered.

4. Learned Counsel for the State submitted that that rationalization is a matter of policy. No malafides have been alleged. Rationalization is being done under administrative guidelines only. The Appellant has rushed to this Court directly without representing before the authorities on what are issues of facts.

5. We have considered the respective submissions and are satisfied that the impugned order calls for no interference as the Appellant has rushed to the Court directly without inviting the attention of the authorities to the grievance as aforesaid. The grievance itself being a pure question of fact, including the possibility of corrective action if required by the Government, either ways we find no reason to interfere at this stage.

6. The first principle for issuance of writ of mandamus is demand and refusal of relief. If the Appellant so desires, nothing prevents him from representing before the authorities who are expected to consider the same in their

administrative jurisdiction notwithstanding our reluctance to entertain this appeal on legal grounds.

7. The writ appeal is dismissed with the aforesaid observations.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE

Subbu