

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 14 of 2016**

Om Prakash Dewangan S/o Shri Ratan Lal Dewangan, Aged about 45 years,
R/o Shanti Lodge Gali Kumharpara, Bilaspur, Tahsil & District Bilaspur
Chhattisgarh.

---- Petitioner**Versus**

1. Union of India, Through the Director/Chairman, Central Council of India (Medicine) New Delhi 110001
2. State of Chhattisgarh, Through: The Secretary, Department of Education, Mahanadi Bhawan, Mantralaya, New Rajdhani, PS New Rajdhani, Tahsil and District Raipur, Chhattisgarh.
3. District Education Officer, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh.
4. Municipal Corporation, Bilaspur, Through its Commissioner, Municipal Corporation, Bilaspur, Chhattisgarh.
5. Mayor in Council through its Mayor, Municipal Corporation Bilaspur, Chhattisgarh.
6. Govt. Boys Primary School, Nagorao Shesh School, Through its Head Master (run by Municipal Corporation, Bilaspur, Chhattisgarh).
7. Govt. Girls Primary School, Through its Head Master in front of Sao Dharamshala, Juna Bilaspur, Tahsil and District Bilaspur, Chhattisgarh.
8. Block Education Officer, Bilha, Through its Block Education Officer, Bilha, Tahsil Bilha, District Bilaspur, Chhattisgarh.
9. Govt. Ayurvedic College, Through: its Principal (DP Law College Campus) Bilaspur Tahsil and District Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Sourabh Sharma, Advocate.
For Respondent/State	: Shri A.S.Kachhwaha, Deputy Advocate General.
For Respondent/Corporation	: Shri A.S.Kachhwaha, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice**Hon'ble Shri P. Sam Koshy, J.****Judgment on Board****Per Deepak Gupta, Chief Justice****23/06/2016**

1. This petition which is purportedly in the public interest has been filed wherein the main challenge is to the shifting of the students of Nago Rao Shesh Higher Secondary School, Juna Bilaspur run by the Municipal Corporation, Bilaspur, to the Government Girls Primary School, Juna Bilaspur.

2. The grievance of the Petitioner is that in the Nago Rao Shesh School large accommodation alongwith play ground is available for the children and that there are as many as 248 registered students out of which 101 students are regularly attending the school. These students have been transferred to the Government Girls Primary School, Juna Bilaspur wherein there is accommodation of only eight rooms available and the total number of students will be increased to 202.

3. The stand of the Respondent-Corporation and the State is that there has been rationalisation due to less number of students and the distance between Nago Rao Sheshs School and the Government Girls Primary School is about only 250 meters. It is stated that 101 students from Nago Rao Shesh School have been transferred to Government Girls Primary School where there are only 49 students. Therefore, the total strength of students would be increased to 150. It is also urged that though, the name of school is Nago Rao Shesh Higher Secondary School but it is run only upto primary level. Admittedly, there are 150 students and it is not disputed that there are eight class rooms in the Government Girls Primary School.

4. We feel that in the Indian situation, eight class rooms for 150 students is adequate. Furthermore, it is the stand of the State that the premises of Nago Rao Shesh School has been allotted on temporary basis to run an Ayurvedic College. According to the State, separate land for construction of building for the Ayurvedic College has been allotted however, as a temporary measure, the Nago Rao Shesh School building has been allotted to run the Ayurvedic College. Establishment of Ayurvedic College is also in the larger interest of public when the resources of the State are limited and when there are two competing interests both in the field of education, then the State is the best judge to decide in what manner it should use its resources and available infrastructure.

5. This Court will only interfere when the action of the State is arbitrary or palpably wrong. In the case of this nature, wherein total number of students is less than 200 and there are eight class rooms available in the Government Girls Primary School, we find no reason to interfere. We however make it clear that the State authorities shall ensure that necessary facilities like toilets etc. are made available to the children of the Government Girls School, Juna Bilaspur.

6. With the aforesaid observations, this petition is dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE