

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6099 OF 2015

Uttamrao Rustumrao Raut and others .. Petitioners

Versus

The Union of India and others .. Respondents

Shri D. B. Pawar, Advocate for Petitioners.

Shri Ajay G. Talhar, A.S.G. for the Respondent No. 1.

Shri V. H. Dighe, A.G.P. for Respondent Nos. 2 and 5.

Shri S. S. Tope, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 01ST SEPTEMBER, 2016.

PER COURT :

. Mr. Pawar, the learned counsel for petitioners submits that, the Central Government has decided to run model schools of CBSE/NCERT pattern in rural areas of the country for the students of VIth to Xth standards. The Government Resolution to that effect is also issued. The funds were to be provided by the State Government to the extent of 25%. As per the policy model school at Bhokardan, Dist. Jalna has admitted students and the said school is being run in the Zilla Parishad building. The construction of model school has also commenced. According to the learned counsel 60% of the construction work is complete,

however, abruptly Project Director issued communication instructing the respondent No. 4 to stop the construction of the model school building. The learned counsel submits that, the petitioners' children were studying in the said school. The petitioners along with other parents made representation, but to no avail. According to the learned counsel, the laudable scheme was introduced by the Government. The building is constructed to the extent of 60%. Much funds are expended on the said building and now abruptly construction of said building is stopped. According to the learned counsel, the students would be at loss. The facility which was provided is taken away. It is the responsibility of the respondents/State to provide education to the students and that is their fundamental right.

2. The learned Assistant Government Pleader submits that, the Government of India has decided to delink the support given to the model school scheme and the same is conveyed to the State by the Ministry of Human Resource Development Department of School Education and Literacy. It was decided that, the State Government is not in a position to run model school scheme without the support of the funds from the Government of India. As such, since the year 2015-2016 the scheme is closed down by the State Government and the students of these schools are adjusted in the nearest semi English government aided schools. The construction of model school has started in five blocks of

Jalna district. The said construction is to be stopped.

3. Mr. Tope, the learned counsel appearing for the respondent No. 4 on instructions submits that, the said scheme has been closed down by the Government. However, construction of five buildings is now been continued and the decision is taken that, if the building is situated within the limits of Gram Panchayat, then the Gram Sabha in consultation with the Chief Executive Officer would decide the purpose for use of the said building.

4. Upon consideration of the submissions made by the learned counsel for respective parties and the affidavit in reply filed by the Education Officer (Secondary), it is clear that the scheme for running model school has been disbanded by the Government of India itself and the State Government has taken a decision that without the financial assistance of the Central Government, it would not be possible to run the model schools and as such a policy decision has been taken to close down the said scheme. The students studying in the model schools are accommodated in other Government aided schools in semi English medium.

5. The policy decision has been taken by the State. This Court has its own limitations while considering the policy decisions of the State. The Executive would be the best judge of the policy to be introduced and/or continued. The State has to

consider the other aspects such as budgetary provision, feasibility of the scheme and take decision upon it. The Court certainly cannot substitute its own views in that regard.

6. Considering the above, though the concern expressed by petitioners may be justifiable, we cannot pass any orders in this regard. The writ petition is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Sept. 16