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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 407/2016

KIND HEARTED INCLUSIVE DEVELOPMNENT & MUTUAL
ASSISTANCE TRUST (KHIDMAT)Petitioner

Through : Mr. M. Rais Farooqui, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

....Respondents

Through : Ms. Monika Arora, Advocate with
Mr.Kushal Kumar, Advocate for NDMC.

Mr. Devesh Singh, ASC with Mr.Vinod Kr. Bhati,
Advocate for GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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27.07.2016

1. This petition by way of Public Interest Litigation has been filed assailing the order dated 31.12.2015 passed by the Education Department of North Delhi Municipal Corporation directing merger of 19 MCD Primary Schools with the other existing schools in the respective zones with immediate effect.
2. It is pleaded in the writ petition that by virtue of the impugned order some of the girl schools have been merged with the boy schools which is irrational and arbitrary and may cause drop out of girl students which in turn

would result in decrease of the literacy rate. It is alleged that rather than encouraging and increasing the awareness of education in these localities, the decision of merger which resulted in closing down of schools at primary level goes against the constitutional mandate under Article 45 apart from violating the fundamental rights guaranteed under Article 21 of the Constitution of India.

3. Counter affidavit has been filed on behalf of NDMC stating that on the basis of the proposals sent by Zonal Authorities a decision was taken by the Corporation for merger of certain primary schools as the number of children in second shift school was very low and teaching staff was also surplus. It is also stated that after the merger of schools the buildings so vacated would be either put to some other use by the Zonal Authorities or the same would be placed at the disposal of the Land and Estate Department of NDMC for making better use of the buildings.

4. The stand taken by the respondents is sought to be rebutted by the petitioner contending that none of the schools which were ordered to be merged had sufficient number of teachers as per the guidelines of the Directorate of Education and the insufficient number of teachers in the schools was one of the reasons for low enrolment of the students in the schools ordered to be merged.

5. We have heard the learned counsel for both the parties.

6. In the facts and circumstances explained in the counter affidavit filed on behalf of the respondent No.1, it appears to us that the impugned merger has been effected in order to save the government exchequer and other resources. The buildings so vacated due to the merging of these schools can

be put to better use by the zonal authorities or the respondent No.1. The surplus staff has also been adjusted to the vacant posts in other schools. Therefore, we find no infirmity in the order dated 31.12.2015 passed by the respondent No.1.

7. The writ petition is accordingly disposed of.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

JULY 27, 2016
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