

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2150 of 2017**

1. Sattu Kumar Sahu S/o Shri Dukhiram Sahu, Aged About 36 Years R/o Village Sirmadabri, Tahsil Pandariya, District Kabirdham (Chhattisgarh).
2. Dhurva Ram Sahu S/o Shri Ramji Sahu, Aged About 34 Years R/o Luse, Tahsil Pandariya, District Kabirdham (Chhattisgarh).

---- Petitioners**Versus**

1. State of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh).
2. Mission Director, Rajiv Gandhi Shiksha Mission, Chhattisgarh, Raipur, District Raipur (Chhattisgarh).
3. Collector-Cum- District Mission Director, Kabirdham, District Kabirdham (Chhattisgarh).
4. District Education Officer-Cum- District Project Co-Ordinator, Rajiv Gandhi Shiksha Mission, Kabirdham, District Kabirdham (Chhattisgarh).

---- Respondents

For Petitioners	:	Shri CJK Rao, Advocate
For Respondents-State	:	Ms. K. Tripti Rao, PL for the State.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****05/05/2017**

1. Petitioners were working as watchman and cook in the Dormitory Schools run by the Rajeev Gandhi Shiksha Mission (for short 'the RGSM'). Their services were discontinued as funds were not available to run the Dormitory Schools.
2. On the plea that now funds are available with the government, the

petitioners' have prayed that a direction may be issued to the RGSM to start the Dormitory Schools, so that they may get employment.

3. Whether to run a particular scheme or not is the administrative decision of the State Government or the RGSM. Writ Court should not issue direction at the instance of a few daily wagers that the government should start running a particular scheme so that they will get employment. Jurisdiction under Article 226 of the Constitution of India cannot be stretched to such extent where on the asking of a daily wager, Court will issue direction to start or close a particular scheme.
4. A direction to consider representation can only be issued when any legal or constitutional right of the petitioner is violated and the petitioner has a right of consideration of representation within the constitutional frame work. Even an order for consideration of representation is issued in exercise of powers of judicial review, which can only be done when there is an element of entitlement to adjudication. There being no such existing right in favour of the petitioner, the writ petition has no substance. It is accordingly dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Ashu