

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.3748 of 2008

(Arising out of order dated 23-6-2008 of the District Education Officer,
Bilaspur)

Panchayat and Jan Bhagidari Samiti, Janji, (A Committee constituted as per the circular issued by the Education Department of the State of Chhattisgarh), through its Secretary Rajendra Kumar Patle, S/o Late Shri Bhakachand Patle, Aged about 38 years, Occupation Cultivator, R/o Village Janji (Seepat), Block Masturi, District Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, School Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. Director, Public Instructions, State of Chhattisgarh, Raipur (C.G.)
3. Collector, Bilaspur, District Bilaspur (C.G.)
4. District Education Officer, Bilaspur, District Bilaspur (C.G.)
5. Ram Khilawan Anchal, Sarpanch, Gram Panchayat Janji (Seepat), Block Masturi, District Bilaspur (C.G.)

---- Respondents

For Petitioner: Mr. Rajeev Shrivastava and Mr. Malay Shrivastava,
Advocates.

For Respondents No.1 to 4 / State: -

Mr. Arun Sao, Deputy Advocate General.

For Respondent No.5: Mr. Devesh G. Kela, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/12/2017

1. High School at Village Janji run and owned by the Government of Chhattisgarh was directed to be managed by the Panchayat and Jan Bhagidari Samiti by the State Government by order dated 22-4-2003 for a period of two years and Jan Bhagidari Samiti was also directed to manage building, salary of teachers etc., and the Samiti managed the school as directed. Thereafter, by the impugned order dated 23-6-2008, the District Education Officer, Bilaspur has directed that the

school has already been upgraded from Middle School to High School and the school be handed-over to the Principal of Government High School, Janji. Feeling aggrieved against the impugned order, this writ petition has been filed.

2. Learned counsel for the petitioner would submit that the impugned order is unsustainable and bad in law, the school building is owned by Jan Bhagidari Samiti which cannot be directed to be handed-over to the Principal of Government High School, as such, it is bad in law.
3. Learned State counsel would submit that Jan Bhagidari Samiti was earlier constituted to manage the school for a period of two years and two years period has already expired. The said Samiti has managed the school on behalf of the Government. The Samiti has no legal right over the property of school.
4. Jan Bhagidari Samiti is only constituted for the purpose of managing school for the time being on account of up-gradation. Jan Bhagidari Samiti has acted on behalf of the Government to manage the school and that will not give any ownership or any legal right to the said Jan Bhagidari Samiti. The property will remain the property of the Government for the purpose of running the school. The petitioner cannot claim to have owned the property as they were only managing the same on behalf of the Government. I do not find any merit in the writ petition. No ownership right has been conferred upon the said Samiti by managing the affairs of the school for two years. The writ petition deserves to be and is accordingly dismissed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge