

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1092 of 2017

- Gramin Vikas Samiti Sonthi, Through Its Secretary, Shiv Prasad Patel, S/o Dhani Ram Patel, Aged About 72 Years, R/o Village Sonthi, Tahsil Champa, District Janjgir Champa (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Ministry, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. Director, Directorate Of Public Instructions, Chhattisgarh, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
3. Rashtriya Madhyamik Shiksha Abhiyan, Through Its State Project Officer, Pension Bada Raipur, District Raipur (Chhattisgarh)
4. Collector, Janjgir, District Janjgir Champa (Chhattisgarh)
5. District Education Officer, Janjgir, District Janjgir Champa (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Mateen Siddiqui, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/04/2017

Heard.

2. The petitioner has filed this petition seeking reliefs inter alia that the respondents should not be allowed to upgrade the government schools in the nearby vicinity, because that may affect the student & teacher ratio of the petitioner school and situation may arrive that the petitioner's institution may loose grant-in-aid and may eventually lead to closure of the educational institution. The other prayer made is that in any case, if the government school is being upgraded, the State may consider to take over the educational

institution of the petitioner's institution and convert into a government educational institution.

3. On the other hand, learned State counsel submits that as none of the petitioner's right have been infringed, the petitioner is not entitled to any relief.

4. As far as the petitioner's claim that government school should not be allowed to be upgraded to high/higher secondary schools, as it may adversely affect the intake of petitioner's educational institution and other consequences that may ensue later on, I don't think that the petitioner may have any legitimate grievance in that regard, because it does not cause any legal injury to the petitioner. Merely because, the future prospects of the admission in the petitioner's educational institution may be affected, because of upgradation of the nearby government schools, would not be a ground for interference by this Court.

5. Reference to para 8.4.3 of Policy (Annexure P/9) has been made to support prayer for consideration that the petitioner's school may be taken over by the government. Whether a private school, which is receiving grant-in-aid should be taken over by the government, is essentially a matter of policy, depending upon the various factors, which amongst other things, may include the need of institution in the local area, financial consideration and constraints and host of other considerations. At this stage, the petitioner cannot seek as of right that its institution be taken over by the government, nevertheless, in view of the past practice of the government, to take over private institution on appropriate considerations, the petitioner may submit such kind of representation before the State authorities, on which, the State authorities may apply their mind as to whether in the present situation, it would be in the larger interest of imparting education to the rural masses that the school should be taken over.

6. With the aforesaid observation, this petition is finally disposed off.

SD/-
(**Manindra Mohan Shrivastava**)
Judge