

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 92 of 2017

1. Chandramani Pradhan S/o Mahadev Pradhan, Aged About 84 Years
 2. Souki Lal Panigrahi S/o Balmiki Panigrahi, Aged About 74 Years
- Both R/o Saraipali, P. S. Saraipali, District Mahasamund Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan , Mantralaya , New Raipur, District Raipur Chhattisgarh
2. Joint Secretary, State Of Chhattisgarh , Department Of School Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
3. Under Secretary , State Of Chhattisgarh , Department Of School Of Education , Mahanadi Bhawan , Mantralaya, New Raipur, District Raipur Chhattisgarh
4. Director, Directorate Of Public Education, Indrawati Bhawan, New Raipur, District Raipur Chhattisgarh
5. Collector, Mahasamund, District Mahasamund Chhattisgarh
6. District Education Officer , Mahasamund, District Mahasamund Chhattisgarh
7. Principal, Government Girls Higher Secondary School, Saraipali, District Mahasamund Chhattisgarh
8. Niranjana Agrawal S/o Late Ghanshyam Agrawal Aged About 40 Years R/o Main Road Saraipali , Near Hanuman Mandir , Post Saraipali District Mahasamund Chhattisgarh

---- Respondents

For Petitioners	: Shri Kishore Bhaduri and Shri R Pradhan, Advocates
For Respondents/ State	: Shri YS Thakur, Additional AG
For Respondent- 8	: Shri Kshitiz Sharma, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

Per Ajay Kumar Tripathi, Chief Justice

24.09.2018

1. Heard counsel for the parties.
2. It is a Public Interest Litigation against the decision taken by the respondents / State authorities. Name of Government Girls Higher Secondary

School, Saraipali, district Mahasamund is named after one Smt Shanti Devi Agrawal. The notification is Annexure P/1 dated 31.03.2017.

3. Shorn of all other details, the argument made on behalf of the petitioners is that there are certain circulars which have been issued by the State of Chhattisgarh, which is known as General Book Circulars, Part-II, SI No.10, where guidelines have been issued about the manner in which donations can be accepted for completion of or construction of some public utility buildings in absence of resources of the Government. This circular has undergone certain changes in the year 1989 and 2000.

4. Certain portion of the circular was pointed out to the Court which indicates that unless a complete building is made by the donation of a donor, the institution cannot be named in the name of the donor. If it is a case of construction of certain facilities, then only that construction and facility can be named. It is the stand of the petitioners that the decision to name the school on a donation of Rs.10,00,000/- made by respondent- 8 is in breach of the circular of the State Government.

5. Be that as it may, on an application being filed by the petitioners before the competent authority, the matter will be re-examined, and if infirmity or breaches of the guidelines are found, it will be looked into and if necessary, notification dated 31.03.2017 if required to be revisited, will be revisited.

6. This Writ Application stands disposed off with the above directions.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge