

CWP No.23186 of 2018

Date of Decision: 20.09.2018.

**Banta Singh and others****...Petitioners****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN**Present: Mr. H.C Arora, Advocate  
for the petitioners.

Mr.Sahil Sharma, DAG, Punjab.

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**RAKESH KUMAR JAIN, J. (ORAL)**

This petition is filed by the parents of the students, who were studying in the Government Senior Secondary School, Sanjay Nagar, Bathinda, for seeking a writ in the nature of certiorari for quashing the order dated 23.08.2018 by which the students of Class 11<sup>th</sup> and 12<sup>th</sup> of Science Group have been ordered to be shifted from the Government Senior Secondary School, Sanjay Nagar, Bathinda to Government Senior Secondary School, Des Raj, Bathinda.

Learned counsel for the petitioners has submitted that a letter dated 02.08.2018 was issued to the District Education Officer (Secondary Education), Bathinda and to the Principal, Government Senior Secondary School, Sanjay Nagar, Bathinda by the Director General School Education, Punjab regarding adjustment of science lecturers on closure of classes of science group in Government Senior Secondary School, Sanjay Nagar, Bathinda. In the said letter it was mentioned that because the number of students of Science group in the school is insufficient, therefore, the

existing students may be admitted in some nearby school and therefore, the science lecturers working in the school may be shifted to the other schools where they are required. It is also submitted that in the impugned order dated 23.08.2018, it is mentioned that the science group in the school in question has been closed and the concerned lecturers have been shifted to other schools. It is further submitted that the reason given in the letter dated 02.08.2018 is the shortage of students in the science group as there were 29 students whereas the requirement is of 20 students only. It is also submitted that there are other schools in which the strength of the students is less than 20 but still they are retained in the same school. It is further submitted that the parents of the students have constructed two class rooms in the school from their own funds and there is no dearth of place for the science students to sit. It is further submitted that other school is about 1.5 km away from the present location with 4 railway crossings in between .

Mr.Sahil Sharma, DAG, Punjab, assisted by Ms. Sunita Rani, Principal of the school in question, has referred to a note of the Secretary School Education, Punjab in which he has mentioned that he has visited the school on 28.07.2018 along with the other officers and had found that the students of Class 11<sup>th</sup> and 12<sup>th</sup> of science group were constrained to sit in a shop functioning in a space not more than 50 sq. feet and one class was being organized under the stairs. He further observed that the science group was assigned to this school without looking into infrastructure requirements and the school staff and the students came to know that the Government Senior Secondary School, Des Raj is about 1.5 km away and while interacting with the students, most of the students have agreed to go to that

school on the condition of providing the bus service. The Secretary School Education, Punjab also observed that the teachers posted in this school may be shifted to other schools having adequate students. It is also observed that funds @ ₹500/- per student may be released to Principal of Government Senior Secondary School, Sanjay Nagar who will facilitate the transportation of all these students safely to the proposed school.

Learned counsel for the petitioner has submitted that after the aforesaid note of the Secretary School Education, Punjab things have been changed, therefore, re-inspection may be ordered only by the Secretary School Education, Punjab himself so as to find out the condition of the school for retaining of the students of class 11<sup>th</sup> and 12<sup>th</sup> of science group in the same school.

Keeping in view the peculiar facts and circumstances, I am of the considered opinion that the Secretary School Education, Punjab shall visit again the school in question i.e. Government Senior Secondary School, Sanjay Nagar, Bathinda in order to appreciate as to whether the condition of the school is such in which the students of class 11<sup>th</sup> and 12<sup>th</sup> of science group can be retained. The needful shall be done by him within a period of one month from the date of receipt of certified copy of this order.

With these observations, the present petition is disposed of.

**(RAKESH KUMAR JAIN)**  
**JUDGE**

**September 20, 2018**

*Jyoti-IV*

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| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |