

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 880 of 2021

- Ramkumari Sao W/o Ravi Lal Sao Aged About 61 Years President Of Sadbhawna Nirjharni Kavitavali Sevaashram Samiti Kasdol, Block Tamnar, District Raigarh Chhattisgarh **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary Of School Education Department Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh,
2. The Director Directorate Of Public Education, Indravati Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh,
3. The Joint Director Education Division Bilaspur, District Bilaspur Chhattisgarh,
4. District Education Officer Raigarh District Raigarh Chhattisgarh,
5. The Collector Raigarh District Raigarh Chhattisgarh,
6. The President Of Jai Jaganath Gram Shikshan Samiti Tamnar Raigarh, District Raigarh Chhattisgarh

---- Respondents

For petitioner	–	Mr. A.K. Yadav, Advocate.
For State	-	Mr. Amrito Das, Addl. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

18/02/2021

Heard.

1. Learned counsel for the petitioner submits that the petitioner is the President of Sadbhawna Nirjharni Kavitavali Sevaashram Samiti. They were running a Saraswati Shishu Mandir at Tamnar. The Joint Director Education by an order dated 27.08.2020, on the ground of certain allegation, has directed to run the school by another society named and styled as Jai Jaganath Gram Shikshan Samiti Tamnar. He further submits that the petitioner was not heard before such order was passed and without giving any opportunity of hearing, the impugned order is passed.
3. The perusal of the order dated 27.08.2020 Annexure P/1 would show

that cause of action has accrued to a society which is registered under the Chhattisgarh Societies Registration Act 1973. The certificate is also annexed as Annexure P/3 along with the petition. If the cause of action has accrued to the Society, then Ramkumari Sao (the petitioner herein) cannot exercise the cause of Society. The petitioner being not a juristic person and no resolution of the Societies is on record that she has been authorized to file this petition before this Court on behalf of the Society. The petition has been preferred in the personal capacity, therefore no individual cause of action can be said to have accrued to the petitioner.

4. The writ petition sans merit and is accordingly dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE