

(2000) 11 KL CK 0027

In the High Court Of Kerala

Case No : O.P. No. 21699 of 2000 and connected cases

Annakutty Robert

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 24-11-2000

Acts Referred:

Constitution of India, 1950 — Article 14, 19, 21, 30, 37

Kerala Education Act, 1958 — Section 3, 4

Kerala Education Rules, 1959 — Rule 1, 2, 3, 4, 5

Citation : AIR 2001 Ker 220

Hon'ble Judges : G. Sivarajan, J

Bench : Single Bench

Advocate : George Poonthottam, R.K. Nair, Siby Mathew, Joy Sankar, Biji Mathew, V.B. Unniraj, V.N. Achutha Kurup, B.S. Swathi Kumar, P. Gopakumaran Nair, C.S. Dias, S. Abdul Salam, V. Philip Mathews, T.M. Abdul Latiff, Babu Varghese, Thottathil B. Radhakrishnan, R. Meera Devi, Sreekumar K.S., George Varghese Perumpallikuttiyil, Rajesh M.R., N. Nandakumara Menon, Murali Purushothaman, V.A. Muhammed, K.E. Hamsa, Jacob Thomas Vellukunnel, K.P. Kylasanatha Pillay, P. Sreekumar, B. Prabhat Kumar, Sreedevi Kylasanath, T.R. Harikumar, K. Harilal and G. Sudheer, for the Appellant; Alexander Thomas, Government Pleader, for the Respondent

Judgement

G. Sivarajan, J.—These Writ Petitions relate to the grant of Higher Secondary Course popularly known as "Plus-two Course" to the High School -Government and Private -Both Aided and recognised Unaided in the State for the academic year 2000-2001. All the petitioners except the petitioner in O.P. 21667/2000 are aggrieved by the non-inclusion of their respective Schools in the order dated 26.7.2000 issued by the Government pursuant to the directions contained in the common judgment dated 7.7.2000 of the Division Bench in O.P. No. 11779 of 1997 and connected cases. O.P. Nos. 21699/2000, 22448/2000 and 22254/2000 are filed in respect of Government High Schools, O.P. Nos. 21854/2000, 22142/2000, 22253/2000, 21667/2000, 22460/2000, 21606/2000, 22462/2000, 21979/2000, 22236/2000 and 24053/2000 are in respect of Private Aided

Schools and O.P. Nos. 22670/2000 and 21625/2000 are in respect of Private Unaided Schools. Except in O.P. No. 21667/2000, petitioners in all the other O.Ps. seek for direction to the Government to grant Plus Two Course to their Schools. In O.P. 21667/2000 the teachers and staff of a Vocational Higher Secondary School to which Plus Two Course is granted as per Government Order dated 26.7.2000 challenge the said grant. In O.P. Nos. 21979/2000 and 22670/2000 there is also a challenge to the grant of Plus Two Course to the nearby Schools. The High Schools involved in O.P. Nos. 22448/2000(Govt.), 22254/2000(Govt.) 22142/2000(Aided), 22253/2000 (Aided), 21667/2000(Aided), 21606/2000(A), 22462/2000(A), 21979/2000(A) and 24053/2000(A) were recommended by the District Level Committee. The schools involved in O.P. Nos. 21699/2000(G), 21854/2000(A), 22460/2000(A) and 22236/2000(A) were not recommended by the District Level Committee and hence the Government did not consider the said Schools for the grant. The Schools in O.P. 22670/2000(UA) and O.P. 21625/2000(UA), though recommended by the District Level Committee, were not considered by the Government for the grant on the ground that there are eligible Government and Aided Schools available in the district for the grant.

(Editors Note: Paragraphs 2 to 39 omitted, being statement of facts.)

40. Now let examine as to whether the decision taken by the Government in the Government order dated 26.7.2000 conforms to the above. The Supreme Court has clearly stated that the administrative action must satisfy the test of reasonableness and that reasonableness is inbuilt in Arts. 14 and 21 of the Constitution of India. So, the Court, while exercising judicial review of administrative action under Art. 226 of the Constitution of India, will have to bear in mind the background of Arts. 14 and 21 as well as Arts. 226 and 32 of the Constitution as laid down by the Supreme Court in the decisions which I have already mentioned above. As already stated in *Tata Cellular's case* (1994) 6 SCC 651 and reiterated in AIR 1997 3127 (SC) , judicial review is concerned only with the manner in which the decision is taken and the principles to be borne in mind are that the modern trend points to judicial restraint in administrative action, that the court does not sit as a court of appeal but merely reviews the manner in which the decision was made and that the court does not have the expertise to correct the administrative decision and if a review of the administrative decision is permitted it will be substituting its own decision, without the necessary expertise which itself may be fallible. Going by the aforesaid principles, in the present case, in view of what I have stated earlier in this judgment, it can be seen that the Government did not adhere to the procedure as well as the norms and guidelines fixed in the seven Government Orders and consequently the decision is vitiated. The Division Bench of this Court had clearly directed the Government to consider all the applications in the light of the seven Government Orders and the further directions issued in the said judgment. The Government has taken the view that many of the procedures provided in the said Government Orders were in relation to earlier years" grant and therefore, it is necessary to

follow the said procedure in the year 2000-2001. A similar situation was considered by the Supreme Court in Bola's case AIR 1987 SC 3127 and it was observed as follows:

"The contention of Shri. Rajiv Dhavan that after the preparation of the seniority list in 1992, the mandamus issued by this Court got exhausted and the Acts would take hold of the field and the seniority list would be required to be drawn in accordance with the Act, is clearly unsustainable. A mere pretence of compliance of the direction relating to preparation of the seniority list is not a compliance of the mandamus. It is required to be complied with in the letter and spirit as directed therein. Otherwise, it may amount to contempt of the Court to be dealt with in accordance with the relevant law or under suo motu power of this Court or of the High Court. That apart the Government does not rely in the compliance of the mandamus; until it is duly modified by a judicial order of the court in an appropriate forum known to law, the State cannot seek shelter under the provisions of the Act to decline preparation of seniority list in accordance with the mandamus. Even after the date of the prospective enactment, it needs to be complied with".

The aforesaid observation make it clear that if the mandamus issued by the Court is not complied with in the letter and spirit as directed therein, it may amount to contempt of Court to be dealt with in accordance with the relevant law or under suo motu power of this Court. It is also relevant to note that the decision of the Government results in civil consequences to the petitioners who are applicants for grant of Plus-two Course and therefor, the procedural requirement of hearing, which is a sine qua non of fairness in action, has to be read into the Government orders based on which the applications were directed to be considered as done by the Supreme Court in Maneka Gandhi's case. The requirement of compliance of natural justice was read into the statute by the Supreme Court to make the provision constitutional. In the instant case, the Government did not give a personal hearing to the petitioners before declining the grant of Plus two Course to their schools in the Government Order dated 26.7.2000. From the very inception i.e., from the time of inspection of the schools by the District Level Committee till the passing of the Government Order dated 26.7.2000, the petitioners were kept in the dark. They were not informed of the alleged deficiencies of infrastructural facilities or as to why their schools are not select for grant of Plus-two Course. Thus, it is clear that apart from the fact that the Government did not comply with all the procedural formalities and the norms and guidelines contained in the Government Order dated 30.3.2000 and in the Division Bench judgment the Government also acted arbitrarily in the matter thereby violating the constitutional guarantee contained in Arts. 14, 19 and 21 of the Constitutional. It has therefore, to be held that it is the Constitutional duty of this Court to set aside the administrative decision of the Government in the Government Order dated 26.7.2000.

41. The Kerala Education Act, S. 3 thereof, deals with the establishment and

recognition of schools. It provides that the Government may regulate the primary and other stages of education and course of instructions in Government and private schools. It further provides that the Government shall take such steps as they may consider necessary or expedient, for the purpose of providing facilities for general education, special education and for the training of teachers. For fulfilling the above, power is given to Government to establish and maintain schools or permit any person or body of persons to establish and maintain aided schools or recognise and school established and maintained by any person or body of persons. It also provides that after commencement of the Act, the establishment of a new school or the opening of a higher class in any private school shall be subject to the provisions of the Act and the rules made thereunder and any school or higher class established or opened otherwise than in accordance with such provisions shall not be entitled to be recognised by the Government. S. 4 of the said Act provides that for the purpose of advising the Government on matters pertaining to educational policy and administration of the Department of Education, the Government may, by notification in the gazette, constitute a State Education Advisory Board consisting of officials and non-officials. The Kerala Education Rules, 1959 issued under the said Act, Chapter II thereof, classifies the schools into four categories. One such category is schools for general education, Under R. 2 of Chapter II the schools for general education shall be of two grades, (i) Primary and (ii) Secondary. The first seven standards i.e., Standard I to Standard VII shall be collectively known as Primary Grades, Standards VIII to X shall be collectively known as the Secondary Grade and Standards VIII to XI shall be collectively known as Higher Secondary Grade. It further provides that Secondary Schools providing three year course shall be known as "High School" and Secondary Schools providing the four year course shall be known as "Higher Secondary Schools". Thus, it is clear that power is vested in the Government under the Kerala Education Act and the Rules either to establish and maintain schools upto to XI Standard or to permit any person or body of persons to establish and maintain aided or recognised schools upto XI Standard. However, it must be noted that prior to the introduction of Higher Secondary Course in High Schools as part of the National Policy of 1986, the Higher Secondary Schools i.e., schools with Standards VII to XI were not being sanctioned. There were only High Schools with course upto X Standard. However, there was provision in the Act and the Rules for Higher Secondary Schools. Chapter IV of the K.E.R. deals with establishment and maintenance of schools. It deals with the minimum requirements for establishment of schools. R. 1 regarding site area so far as Higher Secondary Schools with or without Primary Section are concerned the requirement is 1.2 to 2 Hectares. R. 2 thereof deals with the selection of site. R. 3 deals with playground and garden. R. 4 states that the school building are to be situated away from the places of burial or cremation and liquor shops. R. 5 deals with accommodation. So far as Secondary School i.e., High and Higher Secondary Schools are concerned, the requirements are class rooms, office room, Headmaster's room, Teacher's room, Laboratory room, Library room, craft room, drill shed, tiffin sheds and accommodation for pupils

for taking noonday meals if there is a Primary Section in which noon-feeding is sanctioned. R. 6 deals with the dimensions of class rooms as per which for High and Higher Secondary Schools the dimensions of every class room should be 6m x 6m x 3.7m and a veranda of 1.5m width should be provided at least on the front side. The class rooms shall be separated with walls or with partitions put up to a height of at least 2.4m. Various other requirements such as library and laboratory, latrines and urinals, supply of drinking water, furniture etc. are also provided. So far as library and laboratory is concerned what is required is of the High School level. Chapter V deals with opening and recognition of schools. R. 2 thereof provides the procedure for determining the areas where new schools are to be opened or existing schools upgraded. The relevant matters to be taken into account for the said purposes are provided as (1) the existing schools in and around the locality in which the new schools are to be opened or existing schools are to be upgraded; (2) the strength of the several standard and the accommodation available in each of the existing schools in the locality; (3) the distance from each of the existing schools to the area where new schools are proposed to be opened or to the area where existing schools are to be upgraded; (4) the educational needs of the locality with reference to the habitation and backwardness of the area; and (5) other matters which are considered relevant and necessary in this connection. Sub-rr. (2) to (4) provide the procedure to be complied with. It provides for preparation of a list and its publication in the Gazette inviting objections or representations against such list; objections can be filed against the list published within one month from the date of publication of the list; such objection to be filed before the Assistant Educational Officers or the District Educational Officers, as the case may be; the Assistant Educational Officer and the District Educational Officer has to conduct enquiries, hear the parties, visit the areas and send their report with their views on the objections raised to the Director within two months from the last date of receipt of the objections; the Director, if found necessary, may also hear the parties and finalise the list and send his recommendations with the final list to Government within two months from the last date of the receipt of the report from the Educational Officers; the Government after scrutinising all the records may approve the list with or without modification and forward the same to the Director within one month from the last date for the receipt of the recommendations of the Director; the list as approved by the government has to be published by the Director in the Gazette. Though no appeal or revision may lie against the final list as published, the Government is given the power either suo motu or on application by any person objecting to the list published by the Director, to review their order finalising such list and make such modification in that list as they deem fit by way of additions or omissions, if they are satisfied that any relevant ground has not been taken into consideration or any irrelevant ground has been taken into consideration or any relevant fact has not been taken into account while finalising the said list. It also provides for giving an opportunity to any person likely to be affected thereby to make representation against such modifications. I have dealt with the provisions in the Kerala

Education Act and the Rules only to show that there is provision for opening Higher Secondary Schools upto the XI Standard or for upgrading the existing schools and further that a clear machinery is provided for the said purpose. The provisions of Chapter V clearly provide for preparation of the list, publication of the same, calling for objections, personal hearing and consideration of the objections and publication of the results and further provision for reviewing the final list as published.

42. It is in lieu of the provisions contained in the Kerala Education Act and the Rules that the Government have issued various Government Orders in the matter of grant of Higher Secondary Course to existing High Schools. When there is specific provision in the Kerala Education Act and Rules with regard to the opening of Higher Secondary Courses or upgradation of the existing High Schools to Higher Secondary Schools, it is doubtful as to whether the Government can make any executive orders inconsistent with the provisions of the Act and the Rules. In the place of the provisions contained in Chapter II, IV and V of the Kerala Education Rules the Government had issued the seven Government Orders prescribing the procedure and norms for sanctioning Higher Secondary Course. It must be noted that the said Government Order provide for a procedure and norms similar to the one contained in Chapter II, IV and V of the Rules. However, there is no specific provision in regard to the publication of the list or for calling for objections to the opening of Higher Secondary Schools in any particular area or for personal hearing. No provision similar to the one contained in the Proviso to R. 5 of Chapter V for filing application for review is also made. It is in this context the relevance of the decision of the Supreme Court in *Minerva Mill's* case comes and in order to make the said Government Orders beyond the pale of Art. 14 of the Constitution of India, the principles of natural justice, in this case the procedure of personal hearing, have to be read into the seven Government orders. As otherwise, the seven Government Orders cannot stand the test of Art. 14.

43 I have already held that inspite of the specific directions by the Division Bench of this Court in the common judgment, the Government did not comply with the various procedures provided in the seven Government Orders excluding the Government Order dated 30.3.2000. This, as observed by the Supreme Court in *Bola's* case, will amount to contempt of Court for which action can be taken under the Contempt of Courts Act or in suo motu proceedings. That apart, the failure to afford an opportunity of being heard to the applicant schools before passing the order sanctioning Plus Two Course to the various schools amounts to violation of the provisions of Art. 14 of the Constitution of India which, as held by the Supreme Court in *Basheshar Nath's* case, is an injunction against the State without cannot be waived at all.

44. The relevant constitutional provisions in regard to the educational facilities are contained in Arts. 30, 38, 39, 39A, 41 and 46 of the Constitution. Under Art. 30(1) of the Constitution, all minorities, whether based on religion or language,

shall have the right to establish and administer educational institutions of their choice. Art. 38 occurring in Part IV of the Constitution regarding Directive Principles of State Policy provides that the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. It also provides that the State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst group of the people residing in different areas or engaged in different vocations. Art. 39(f) also provides that the State shall, in particular, direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. Art. 39A provides that the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Art. 41 provides that the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to education. Lastly, Art. 46 provides that the State shall promote with special care the educational and economic interest of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. Though the aforesaid provisions in the Directive Principle of State Policy are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws, the provisions contained in this Part shall not be enforced by any Court. This is the mandate contained in Art. 37. However, even constitutional provisions as to fundamental rights should be adjusted in their ambit so as to give effect to the Directive Principles. In fact, the Directive Principles and the fundamental rights are to be harmoniously construed as held by the Supreme Court in *The Municipal Corporation of Greater Bombay Vs. M/s. New Standard Engineering Co. Ltd.*, .

45. The norms and guidelines fixed in the Government Order dated 30.3.2000 are, in fact, in tune with the constitutional mandate contained in the aforesaid Articles. The said Government Order clearly provides the norms which are in tune with the provisions of Art. 14 and 21 and the Directive Principles mentioned above. Though it would appear from the evaluation statement prepared by the Government that they have considered all the relevant matters, it could not and did not bring out the result contemplated by the order for the reason that they have considered the Revenue District/Educational District as the unit for assessing the comparative merits. As already noted, the Government had to consider the norms contained in the Government Order with reference to the local area where the applicant schools are situated. As otherwise, the

inequalities, the social backwardness and other matters could not be assessed. Most of the applicant schools which have approached this Court are schools situated in backward areas and their grievance is that the educational and social backwardness, the remoteness of the area, the area where the poorer sections of the community are residing all were ignored. From the discussion as above, it is clear that the decision of the Government in the order dated 26.7.2000 sanctioning Plus Two Course to a few schools and ignoring the claims of the petitioners is arbitrary, discriminatory and violates Arts. 14 and 21 of the Constitution.

46. The contention of the Government is that they have complied with all the procedural formalities provided in the various Government Orders, that judicial review is concerned only with the manner in which the decision is taken and that the ultimate decision is in the discretion of the Government. As I have already stated, the Government did not comply with the procedural formalities and consequently apart from the fact that it will amount to contempt of Court, it is hit by the provisions of Art. 14 of the Constitution of India. Contention of the Government that the ultimate decision is in the discretion of the Government cannot be countenanced for the following reasons: Prior to 2000, the Government was sanctioning Plus Two Course without any set norms. But pursuant to the directions issued by the Supreme Court in the S.L.Ps. which I have already adhered to earlier in this judgment, they have issued a set of norms in the matter of selection of schools for the grant of Plus Two Course. These norms are contained in the Government Order dated 30.3.2000. Earlier prior to the issuance of the Government Order, of course, the ultimate decision was in the discretion of the Government. But after the Government Order dated 30.3.2000, the Government had no discretion at all than to select the schools in accordance with the norms contained in the Government Order. Once it is found that a school has become eligible for grant of Higher Secondary Course as per the said norms and if there is educational need in the local area, Government did not have any discretion at all in the matter of grant of Plus Two Course to that school. In other words, the discretionary powers which were vested in the Government have been given a go-by making the section objective by providing clear norms for the selection. In view of the clear provisions made in the Government Order dated 30.3.2000 regarding the selection of schools for the grant of Plus Two Course, it is really unnecessary to consider the scope and ambit of judicial review at all in this case.

47. This is a case in which inspite of the fact that procedures and norms have been fixed for the selection of high schools for grant of Plus Two Course, the Government did not comply with the said procedures and norms while issuing the Government Order dated 2.6.2000 and 24.6.2000. The Division Bench of this Court has held so. However, the Court, after setting aside those orders, gave a clear opportunity to the Government to make selection of schools in accordance with the procedures and norms laid down in the seven Government orders and also further guidelines made in the Division Bench judgment. Inspite of the

above, they did not comply with the directions issued by the Division Bench and set-right, nor made selection in accordance with the directions.

48. As already stated, the decision to delink Pre-degree course from the colleges and to give it to the High Schools as part of the High School Education was taken as a part of the National Education Policy of the year 1986. This, as stated in the National Policy, is with the object of improving the educational standards of the students whose future is being shaped during the period they undergo their studies in the 11th and 12th Standards. The Division Bench also in paragraph 57 of the judgment highlighted its importance. This being the object, since the Higher Secondary Course in part of High School education itself the Government was obliged to provide Plus Two Course in all the schools according to the educational need. However, the stand of the Government is that the grant of Plus Two Course in all the schools will result in a very heavy financial burden on the Government which, due to the financial constraints, the Government cannot undertake. Ordinarily this is a matter for the Government to consider when they have taken the decision to delink pre-degree Course from colleges and to give to the High Schools. In spite of the financial constraints, they have decided to totally delink Pre-degree Courses from colleges and they have implemented this by passing the Pre-degree Course (Abolition) Act in 1997. After having done so, it will not be fair, proper or reasonable to say that the said decision cannot be implemented to the satisfaction of the student community. I have dealt with the contention regarding the economic policy and the financial constraints in the judgment in O.P. No. 18750/2000 and connected cases. Hence, I do not propose to deal with it at length in these cases. Suffice to say that though it is not open to the court, in judicial review, to question the wisdom of the economic policy of the Government, it is always open to the Court to see whether such economic policy has the effect of being violative of the fundamental rights under Arts. 14, 19 and 21 of the Constitution of India. In the instant case, there is not much scope for taking the defence of economic policy or financial constraints since the norms and guidelines for grant of Plus Two Course have already been laid down in the Government Order dated 30.3.2000. When there is educational need and a school satisfies the norms and guidelines contained in the said Government Order with reference to the local area, if the Government is allowed to deny Plus Two Course to that school on the ground of economic policy or financial constraints, it will be in violation of Arts. 14 and 21 of the Constitution. This will also be in violation of the principles enshrined in Art. 38, 39, 41 and 46 which the Government themselves in their counter-affidavit filed in the Division Bench case had relied. For all these reasons, I declare that the selection of schools for grant of Plus Two Course as per Government Order dated 26.7.2000 is illegal, arbitrary and unsustainable.

49. In these circumstances, the appropriate course would have been to direct the Government to do the entire exercise over again as directed by the Division Bench in the common judgment. As pointed out by the Supreme Court in Roshana's case, this will result in a situation where the Government will be put

in the docks and the students in a state of chaos. In such circumstances, the court will be duty bound to find a solution by way of moulding the relief.

50. The Division Bench of this Court directed the Government to consider all the 1429 applications in the light of the seven Government Orders and the directions contained in the said judgment. Pursuant to the same, Plus Two Course has been granted to only 387 schools in the State. Though all the remaining applicants are aggrieved, only around 280 applicants have filed Writ Petitions challenging the non-inclusion of their schools in the Government Order dated 26.7.2000. Only in a very few cases the petitioners have challenged the grant of Plus Two Courses to the grantees' schools. That apart, pursuant to the grant of Plus Two Course in the Government Orders dated 26.7.2000, students have been admitted and the Plus Two Course started in the first week of August and they are undergoing studies. If those school are disturbed now, it will adversely effect the students' community. The immediate grievance of the petitioners is the non-inclusion of their schools in the grant. So, it is not necessary to set aside the entire grant under the various Government Orders dated 26.7.2000.

51. In these circumstances, I propose to adopt the following course: In this case, the Government has already laid down the norms in the matter of selection of schools for Plus Two Course in the Government Order dated 30.3.2000. The Government was given an opportunity to consider the applications and to select the schools in the light of the norms and guidelines contained in the said Government Order. The Government, by adopting the Revenue District/ Educational District as the unit, considered all the applicant schools recommended by the District Level Committee on that basis. This resulted in discrimination and consequent violation of Art. 14 of the Constitution. In such circumstances, it is for this Court to consider the matter on merits provided, sufficient materials are available on record to take the final decision. Accordingly, I will consider the merits of each school separately in this judgment.

52. The individual claims are being considered keeping in mind the following:

1. The educational need has to be considered taking the local area as the unit (See Chapter VR. 2 K.E.R.).
2. It has to be assessed on the basis of the number of High Schools situated in the said area, the number of students pass out in the SSLC from the said schools, the number of Higher Secondary Schools with Plus Two seats available in the local area and the number of pre-degree seats delinked from the nearby Colleges to which the High Schools are feeder schools.
3. In socially and educationally backward areas more plus two courses have to be sanctioned as part of the Constitutional obligation.
4. Plus Two Courses should be granted in remote areas with very limited transportation facilities, particularly where the majority of the people belong to the weaker section of the Community such as Schedule Castes and Scheduled

Tribes, plantation workers, labourers, fishermen etc.

5. Vocationally Higher Secondary Schools will be preferred only in the absence of eligible High Schools as applicants in the local area.

6. Unaided schools will also be considered only in the absence of sufficient number of eligible Government and/or Aided High Schools. If there are no eligible Government or Aided Schools or not sufficient number of such Schools, Government cannot ignore Unaided Schools for grant.

7. If there are more eligible High Schools than one in any local area as applicants, the comparative merits of those schools in terms of facilities, number of students and academic attainments should decided the entitlement.

This according to me, is the gist of norms contained in the Government Order dated 30.3.2000 and the directions contained in the Division Bench judgment dated 7.7.2000.