

(2013) 04 RAJ CK 0028

In the Rajasthan High Court

Case No : Civil Writ Petition (PIL) No. 3514 of 2013

Birbal Ram and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 08-04-2013

Acts Referred:

Citation : (2013) 3 WLN 31

Hon'ble Judges : Narendra Kumar Jain, J;Mahendra Maheshwari, J

Bench : Division Bench

Advocate : Mahaveer Bishnoi, for the Appellant;

Final Decision : Disposed Off

Judgement

Narendra Kumar Jain-II, J.—Heard learned counsel for the petitioners. This public interest litigation is directed against order dated 28th March, 2013-Annexure-10, whereby Block Elementary Education Officer, Panchayat Samiti Bap, District Jodhpur has directed to start/establish Government Primary School at Hanuman Sagar, which was initially sanctioned for Village Gumnaniyo Ki Dhani.

2. Learned counsel for petitioners submitted that vide order dated 4th December, 2012-Annexure-1, the school at Gumnaniyo Ki Dhani was sanctioned vide S. No. 623 by State Government. Thereafter, the District Education Officer also sanctioned the new school to be established/started at Gumnaniyo Ki Dhani. The Teacher was also sanctioned for the said place. However, the Gram Panchayat Kanasar, Panchayat Samiti Bap wrote a letter dated 28th March, 2013-Annexure-9 to the local MLA to the effect that new School to be established at Gumnaniyo Ki Dhani be started in Khasra No. 374, Hanuman Nagar and on that basis, the Block Elementary Education Officer, Panchayat Samiti Bap has passed the impugned order dated 28th March, 2013 to start the school in Khasra No. 374 of Hanuman Nagar. He submitted that the land bearing Khasra No. 374 is about three and half kms. away from Gumnaniyo Ki Dhani. He also submitted that impugned order has been passed on political pressure, whereas the

intention of State Government was to establish/start the school at Gumnaniyo Ki Dhani. He, therefore, submitted that the impugned order may be set aside.

3. We have considered the submissions of learned counsel for the petitioners.

4. The initial order sanctioning the school was passed by State Government Elementary Education Department. The subsequent order was passed by District Education Officer. In these circumstances, we find that against order impugned dated 28th March, 2013, the petitioners should have approached the State Government or the District Education Office. We are not inclined to entertain this writ petition directly before this Court against the impugned order.

5. In these circumstances, we dispose of this writ petition with liberty to petitioners to approach the respondent Nos. 1 to 3 by way of representation about their grievances, which have been made in the present writ petition. It is needless to mention that in case, such a representation is filed, the same will be considered and decided sympathetically, at the earliest, in accordance with law.