
(2010) 03 SHI CK 0003
In the High Court Of Himachal Pradesh
Case No : CWPIl No. 54 of 2009

Court on its own motion

APPELLANT

Vs

State of H.P. and Another

RESPONDENT

Date of Decision : 29-03-2010

Acts Referred:

Citation : (2010) 03 SHI CK 0003

Hon'ble Judges : Kurian Joseph, C.J;R.B. Misra, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—This writ petition was registered suo-motu by this Court in view of a news item that appeared in "Punjab Kesari" on 7th December, 2009 regarding the alleged sad state of affairs in the matter of functioning of some aided educational institutions. In reply, the Director of Elementary Education has filed an affidavit. The relevant paragraphs of the same reads as follows:

4. That the factual position in respect of GMS Kanlog is that at the time of upgradation of the said school to the standard of Middle it was clarified in the Notification itself that the local public will provide suitable rent free accommodation and till then the school was attached to the Government Senior secondary School, Portmore.

5. The Government Primary School Kanlog was upgraded vide H.P. Government Notification dated 31.03.1997 and six posts of various categories were sanctioned for GMS Kanlog vide order dated 26.07.1997. It is submitted that the teachers from various schools were transferred to newly upgraded Middle School and they joined there duties in different dates in the year 1998.

6. That the salaries of the staff posted in Middle School, Kanlog is being drawn continuously w.e.f. 6/1998.

7. That at present three room have been constructed at GMS Kanlog under "Sarv Shiksha Abhiyan) and now the classes of GMS Kanlog are running at newly

constructed site at Kanlog w.e.f. 04.03.2010. As per the information received from the concerned quarter there are 19 students (5 boys and 14 girls) studying at GMS Kanlog.

8. That the factual position in respect of Government Middle School Engine Ghar is that at the time of upgradation of the said school to the standard of Middle it was clarified in the Notification itself that the local public will provide suitable rent free accommodation and till then the school was attached to the Government Senior Secondary School, Sanjauli.

9. The school was made functional on 22.11.1999 and six posts of various categories were sanctioned for GMS Engine Ghar vide order dated 30.03.1999. It is submitted that the teachers from various schools were transferred to newly upgraded Middle School and they joined there duties in different dates in year 1999.

10. That since all the teachers were posted and joined at the Middle School their salaries were to be drawn and therefore, the said school was allowed to continue in the premises of GSSS Sanjauli. It is pertinent to mention here that till today also no accommodation has been provided by the local public of the area as per the condition of the notification and the school is running as such in the complex of GSSS Sanjauli. However, it is further submitted that the department is in the process of rationalization of teachers wherein this issue will be considered and appropriate decision taken in due course.

11. That it is submitted that the students have taken admissions in the GMS Engine Ghar and the enrolment as on 1.12.2009 is 70 students (33 Boys and 37 girls) from 6th to 8th class.

2. The above submissions are recorded. The writ petition is disposed of directing the Principal Secretary (Education Department) to the Government of Himachal Pradesh to complete rationalization process as expeditiously as possible within a period of six months from today. The petition is stands disposed of.