

(2018) 03 JH CK 0095
In the Jharkhand High Court
Case No : W.P.(PIL) No.7436 of 2017

DHANBAD ABHIBHAWAK SANGH (TRUST)	APPELLANT
Vs	
STATE OF JHARKHAND	RESPONDENT

Date of Decision : 26-03-2018

Acts Referred:

Right of Children to Free and Compulsory Education Act, 2009 — Section 18

Citation : (2018) 03 JH CK 0095

Hon'ble Judges : D. N. PATEL, J;AMITAV K. GUPTA, J

Bench : Division Bench

Advocate : Rahul Dev, Rishi Pallava

Final Decision : Disposed Of

Judgement

D.N. Patel, A.C.J

1. This writ petition has been preferred for the following reliefs :-

a). For issuance of an appropriate writ(s)/, order(s)/, direction(s)/ in the nature of 'Mandamus' commanding upon the Respondents to take

appropriate steps for maintaining the education system in order to secure the future of the students studying in the DAV, Mugma as the said school is

running without affiliation of the CBSE and without requisite permission as required under Section 18 of the Right of Children to Free and Compulsory

Education Act, 2009 from the state authorities.

And/Or

b). For issuance of an appropriate writ(s)/, order(s)/, direction(s)/ directing the respondents to shift the students to an affiliated and duly approved

school as the present school is running without any affiliation as well as recognition under Section 18 of the Right of Children to Free and Compulsory

Education Act, 2009 from the state authorities.

And/Or

c). For issuance of an appropriate writ(s)/, order(s)/, direction(s)/ in the nature of 'Mandamus' directing the respondents to take appropriate action

against the respondent management of the school as the same is running in contravention to section 18 of the Right of Children to Free and

Compulsory Education Act, 2009.

And/Or

d). Pass any other order/ writ/ direction which deems fit and proper in the facts and circumstances of the case and in accordance with law.â??

2. Having heard counsels for both the sides, and looking to the facts and circumstances of the case, it appears that a particular school, which is

situated in the district of Dhanbad, as mentioned in the writ petition, has committed some violation as per the allegations levelled by this petitioner. It is

submitted by the counsel for the petitioner that the said school is giving a false narration or a false representation to the effect that the said school is

affiliated with the Central Board of Secondary Education, whereas the facts are otherwise.

3. For this purpose no public interest litigation can be filed. Action can be initiated by this petitioner against a particular respondent, if at all these facts

are correct. The remedies are available with this petitioner, because there are allegations in personam against respondent nos.08, 09 & 10. Thus, this

is not a public interest litigation at all. The allegations of misrepresentations/ false representation, against respondent nos.08, 09 & 10 required to be

established by this petitioner, for which cogent and convincing evidences are required to be laid. Hence, this writ petition is, hereby, disposed of

reserving liberty with the petitioner, if at all the petitioner is an aggrieved party, to initiate proceedings against the respondent nos.08, 09 & 10 in

accordance with law before the appropriate forum.

4. With the said observation, this public interest litigation is, hereby, disposed of.