
(2010) 09 RAJ CK 0010

In the Rajasthan High Court

Case No : Civil Writ Petition No. 12533 of 2010

Gram Panchayat Indali

APPELLANT

Vs

State of Raj. and Others

RESPONDENT

Date of Decision : 27-09-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 09 RAJ CK 0010

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ajay Rastogi, J.—Instant petition has been filed by Gram Panchayat Indali through its elected Sarpanch assailing the policy decision taken by State Government to merge the government educational institutions from academic session 2010-11 vide order dt.30.6.2010 and in consequence thereof teachers who were earlier working in Government Primary School, Indali obviously were required to be merged in the institution with whom the merger has taken place.

2. The main thrust of submissions of the counsel for petitioner is that the decision taken by the Government for merger of Government Primary School, Indali into Government Primary School, Harizan Basti, Indali is wholly arbitrary and the sitting capacity in Government Primary School, Indali and other conditions are much better than the school in which it has been merged and the State Government has not examined it in right manner while taking decision to merge the Government Primary School, Indali and in consequence whereof order passed on 30.6.2010 is arbitrary and deserves to be quashed. Counsel further submits that in regard to the merger which has taken place one another Gram Panchayat approached this Court by filing writ petition-8468/2010 wherein the Court after hearing the counsel has passed interim order in favour of the petitioner.

3. The submission made is wholly without substance for the reason that these are policy decisions of the government as to which school is to be merged and with whom merger is to take place and these institutions are all government institutions and if in the interest of public at large government took a decision of merger of the Government Primary School, Indali into Government Primary School, Harizan Basti, Indali, such policy decisions are not open for judicial review by this Court Under Article 226 of the Constitution unless it has imputed malice or power has been exercised for certain other collateral purpose, which is not the case of the petitioner and so far as the petitioner Gram Panchayat is concerned, both the institutions are in Gram Panchayat indali, at least the petitioner who has approached this Court cannot be said to be aggrieved by the decision being taken by the government while passing the order impugned dt.30.6.2010. What appears to this Court is that Gram Panchayat appears to be more aggrieved of the transfer which has taken place on account of policy decision by the government in regard to merger of the government institutions by subsequent order dt.27.7.2010 which might have affected the teachers and it appears that under these circumstances the Gram Panchayat has approached this Court by filing instant petition. So far as the interim order placed by the counsel before this Court is concerned, has been passed on the facts which came for consideration.

4. This Court does not find substance in the instant petition.

5. Consequently, the writ petition stands dismissed.