
(2016) 10 JH CK 0054
In the Jharkhand High Court
Case No : W.P. (S) No. 3352 of 2015

Jitendra Kumar Vishwakarma Uchh Vidyalaya	APPELLANT
Vs	
State of Jharkhand	RESPONDENT

Date of Decision : 18-10-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 1 JBCJ 387

Hon'ble Judges : Shree Chandrashekhar, J.

Bench : Single Bench

Advocate : Mr. Rajiv Ranjan, Senior Advocate Mr. Sanjay Kumar Tiwari, Advocate, for the Petitioner; Mr. Rakesh Kumar Shahi, JC to AAG, for the State; Mr. M. Sohail Anwar, Senior Advocate Mr. Sunil Kumar, Advocate, for the Respondent No. 5

Final Decision : Disposed Off

Judgement

Shree Chandrashekhar, J.—; Seeking permission to modify the relief sought in the instant writ petition, Mr. Rajiv Ranjan, the learned Senior counsel appearing for the petitioner-school submits that the respondent-State can at-least consider and take a decision whether the petitioner-school can be taken-over by the government or not.

2. Prayer is acceded. The writ petition now remains confined to the aforesaid relief.

3. Mr. Rakesh Kr. Shahi, JC to AAG appearing for the respondent-State of Jharkhand raising objection to the aforesaid modified prayer submits that the petitioner-School has approached this Court after about three decades and it has failed to show a legal right vested in it for seeking mandamus upon the respondent-State to takeover the control and management of the petitioner-school.

4. Be that as it may. The fact remains that the petitioner-school was granted

permission to establish on 17.09.1982 and as pleaded in the writ petition it has been functioning since then. It appears that some grant was given to the petitioner-school. Whether the petitioner-school should be taken-over by the respondent-State or not would be a decision exclusively within the domain of the executives and this Court is not inclined to venture into the matter. However, if the petitioner-school fulfils all requisite conditions under the presently existing Rules/Regulations, the respondent-State may take a decision in the matter, expeditiously.

5. Referring to letter dated 28.10.2015, a copy of which was tendered on 17.10.2016 in W.P.(S) No.3349 of 2015, it is stated that on the representation of Jharkhand State unaided Shiksha Sanyukt Sangharsh Morcha, a High Level Committee has been constituted and some of the issues of unaided schools are under active consideration of the Government. The learned Senior counsel for the petitioner states that the petitioner-school also may be permitted to submit its representation before the High Level Committee, which shall make a recommendation on taking over control and management of the petitioner-school by the State Government.

6. Acceding to the request of the learned Senior counsel, the writ petition stands disposed of with liberty to the petitioner-school to approach the High Level Committee constituted vide order contained in letter dated 28.10.2015, provided the aforesaid Committee is seized with identical issue of takeover of private schools. Upon recommendation of the High Level Committee, or even otherwise the State Government shall take a final decision in the instant matter. It is, however, made clear that this Court has not expressed any opinion on the merits of the claim projected by the petitioner-school.