
(1999) 10 RAJ CK 0029
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2425 of 1999

Miss Sushila Garg

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 06-10-1999

Acts Referred:

Citation : (2000) 3 WLN 530

Hon'ble Judges : Shivaraj V. Patil, C.J.;Bhagwati Prasad, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Shivraj V. Patil, C.J.—In this writ petition, grievance of the petitioners is that respondents-State have upgraded the school situated at Bood within the District Chittorgarh, Panchayat Samiti, Gangrar. An order was issued by the State Government vide Annex. 1 and Annex. 2 and consequently, school was opened and the petitioners obtained admission in relevant classes.

2. The grievance of the petitioners is that Annex. 7 Dated 9.7.1999 was issued by the respondent-State. By this order the upgradation of the school at Bood was withdrawn. After having upgraded the school at Bood, no order prejudice to the students of Bood School could be passed by the respondents-State.

3. Notices were issued to the respondents-State who had joined the issue and stated that in fact, State Government proposal contained the upgradation of a school at Rood. The proposal was approved for upgradation of School at Rood. The proposal was contained in a sheet prepared by the respondent-Department. The proposals were in English. For issuing orders, these proposals were translated into Hindi and at the time of translation, Rood was mistakenly translated as Bood which was also situated in Gangrar Assembly Segment, and therefore, it was a clerical mistake to upgrade a school at Bood. There was no proposal for upgrading the school at Bood and by clerical mistake.orders were issued for Bood.

4. The learned Counsel for the petitioners disputed this stand of the State Government and forjudging the correctness of the State Government, original records were summoned. After summoning records, they were examined. The learned Counsel for the petitioners also had an opportunity of looking into the records.

5. In the proposals, name of the school desired to be upgraded, clearly stated as Rood in English, on the same sheet, its translation has been made as Bood. In this process, order was issued for upgradation of the school at Bood. This defect was pointed out to the State Government by the Member of the Legislative Assembly of Gangrar Segment, who represents both the villages in the Assembly, Bood and Rood, correction was made by the State Government. The process of arriving at the decision was also examined and it was the same.

6. The learned Counsel for the petitioners in these circumstances felt that he cannot legitimately raise any grievance against the respondent-State in this regard and was satisfied that it was proposal for Rood only and therefore, he feel persuaded that no relief can be granted to the petitioners and consequently, the writ petition is liable to be dismissed.

7. The learned Counsel for the petitioners submitted that school having been opened at Bood, may be by mistake, the State Government may consider the question of its continuance. We are afraid that no such direction can be issued in favour of the petitioners. However, the petitioners may make a representation and the State Government may consider the question according to its policy.

8. With these observations, the writ petition is dismissed.