
(2005) 08 AHC CK 0153

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 56200 of 2005

Ram lal

APPELLANT

Vs

State of Uttar Pradesh and others

RESPONDENT

Date of Decision : 22-08-2005

Acts Referred:

Citation : (2005) 08 AHC CK 0153

Hon'ble Judges : Sushil Harkauli, J and Prakash Krishna, J

Final Decision : Disposed Of

Judgement

Sushil Harkauli and Prakash Krishna, JJ.—Pursuant to a direction of this Court, the District Magistrate, Siddharthanagar, has passed an order dated 2.7.2005/28.6.2005 rejecting the representation of the petitioner, a copy of the order is enclosed as Annexure17 to the writ petition.

2. The petitioner is running a Private Junior High School in a village. It was proposed to construct another Junior High School of Education Board in the same village. The petitioner protested by way of a representation, which has been rejected.

3. It appears that the contention of the petitioner is that population of the village in question is less than eight hundred and according to the prescribed norms, second college would not be advisable.

4. The petitioner also contents that there are some other Schools within the radius of three Kms. Of the petitioner's village, which is another reason why the School of the Board should not be constructed in that village.

5. The petition also contends that due to small population of the village if this new School is constructed the existing students of the petitioner's School will be divided between the two Schools and by reduction of number of students, the petitioner's Private Junior High School will become unviable. On the other hand, the new School belongs to the Board and will be run on State expenses and

therefore, it will not be relevant for that School as to how many students are studying in the said School.

6. While deciding these matters it must be borne in mind that Government resources are limited and there are large number of other villages which are in need of schools. Therefore, Government resources should be spent on opening of new Schools only in the places which requires a School to be opened.

7. While deciding the petitioner's representation the District Magistrate, Siddharthanagar has not adverted to the population of the village. No doubt there is an observation by the District Magistrate that there is no other School within three Kms. radius of the village, but the observation is ambiguous as the District Magistrate says that there is no School of the Board within three Kms. Radius and does not say that there is not even a private School within three Kms. Radius.

8. In view of these circumstances we are of the opinion that the matter requires better consideration by the District Magistrate, Siddharthanagar.

9. After hearing learned Counsel for the petitioner and the learned Standing Counsel we quash the order dated 28.6.2005/2.7.2005 (Annexure17 to this petition) and require the District Magistrate to examine the matter again by passing a reasoned order, keeping in mind the aforesaid observations.

10. The writ petition is disposed of, as above. Decided accordingly.