
(1993) 04 AHC CK 0006

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 11648 of 1993

Ram Singh

APPELLANT

Vs

Basic Shiksha Adhikari and Another

RESPONDENT

Date of Decision : 06-04-1993

Acts Referred:

Constitution of India, 1950 — Article 226
Uttar Pradesh Basic Education Act, 1972 — Section 13

Citation : (1993) 2 AWC 1287

Hon'ble Judges : Ravi S. Dhavan, J

Bench : Single Bench

Advocate : S.K. Lakhtakia, for the Appellant;

Final Decision : Dismissed

Judgement

Ravi S. Dhavan, J.—Chaorasi is a small village at tehsil Jalalabad, District Shahjahanpur. This petition has been filed by Ram Singh, the Pradhan of the village Chaorasi. His contention is that there is a school known as Basic School, Chaorasi-II which has incorrectly been numbered school number-II when it ought to have been numbered as I and apart from this he says that the Basic Shiksha Adhikari has given an order that this school which has been established since 1963 be shifted to village Imalia at a distance of about 26 to 27 kilometers. This, it is contended, has been done in reference to a policy of the State Government in orders issued from time to time under the U.P. Basic Education Act, 1972, particularly, u/s 13.

2. The Petitioner, Ram Singh, the Pradhan of the village contends that the order of the Basic Shiksha Adhikari, Shahjahanpur in shifting the school is illegal and it ought to be quashed. The order is dated 2 March, 1993, and is appended as Annexure-4 to the writ petition.

3. Regard being had to the circumstances of the case and the facts narrated in the petition, this Court is of the view that the High Court ought not to interfere in

such policy matters of the State Government. May be that order of 2 March 1993 is not the best way of looking at situations. The step may be irregular but every irregularity is not to be interfered with by the High Court under Article 226 of the Constitution of India. The Pradhan is an elected representative of the people of his village and he can make his presence felt in more ways than one. The President's rule is on at the State, thus, he can have a direct access to the Director of Basic Education as he has right to be heard on any planning which affects his village. The Pradhan could have access to those in charge of this aspect of the educational programme through the M.L.A. of his area, but cannot under the circumstances. Shifting of school from one village to another area—problems of local Government and they must be sorted out at that level. Elected representatives who have been elected at the local level are accountable to the people at the local level.

4. In the present case should the grievance of the Pradhan in shifting the school in question be genuine and nothing comes out from his talks with the Director of Basic Education, then he would be within his rights to meet the Secretary, Education for placing his complaint and the problems of his village. It is only when all these avenues fail either because those in authority and in charge of local planning will not listen or will take no action or do what is wrong in law, then this Court may be approached. The irregularity which the Petitioner complains needs to be sorted out by those who are in a position to do so.

5. With these observations, the petition is laid to rest as dismissed.