
(2020) 02 RAJ CK 0513

In the Rajasthan High Court

Case No : Civil Writ Petition (PIL) No. 702 Of 2019

Ramesh Kumar Rawal And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 25-02-2020

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2020) 02 RAJ CK 0513

Hon'ble Judges : Sangeet Lodha, J;Dr. Pushpendra Singh Bhati, J

Bench : Division Bench

Advocate : Govind Suthar, P.R. Singh

Final Decision : Dismissed

Judgement

Dr. Pushpendra Singh Bhati, J

1. This writ petition, in the form of public interest litigation, under Article 226 of the Constitution of India has been preferred claiming the following

reliefs:

i) by an appropriate writ, order or direction, the action of the respondents in not adhering the legitimate requests of the petitioners with the

admanacy of misusing the government funds in the existing Govt. Secondary School, Magariwada without taking into consideration the feasibility, be

declared as illegal, unjustified and unconstitutional.

ii) by an appropriate writ, order or direction, the respondents may kindly be directed to transfer the Govt. Higher Secondary School, Magariwada to

the school situated in Khasra No.736/1434 of Village Magariwada, Tehsil Reodar, District Sirohi in larger public at large.

iii) by an appropriate writ, order or direction, the action of the respondents may

kindly be directed to raise the construction of the eight rooms over the land belonging to 736/1434 and utilize the funds allocated by the Rajasthan Council of School Education presently or in future at that site only in the larger public interest.

iv) by an appropriate writ, order or direction, appropriate directions be issued to the respondents restraining the respondents from misusing the govt.

funds so allocated to the Govt. Higher Secondary School, Magariwada.

v) Any other appropriate writ, order or direction, which this Honâ??ble Court may deem just and proper in the facts and circumstances of the case

may kindly be passed in favour of the petitioner.

vi) Writ petition filed by the petitioners may kindly be allowed with costs.â??

2. At the outset, learned counsel for the petitioners submits that the School in question i.e. Government Secondary School, situated in Khasra No.443,

Village Magriwada, District Sirohi is located within a limit of 132 feet from State Highway No.27, and that, in the larger public interest and safety,

another land bearing Khasra No.736/1434 admeasuring 5 bighas at Village Magriwada has already been allotted by the State Government for the

purpose of construction of Government Higher Secondary School, Magriwada, and the said land is at a distance of about 500 metres from the existing

School. As per learned counsel for the petitioners, the aforementioned land so allotted for the purpose of construction of School requires the

development works to be carried out in the larger public interest.

3. In totality, learned counsel for the petitioners submits that use of funds and infrastructure for the existing Government Secondary School,

Magriwada is improper and unjustified, and therefore, the same should be withdrawn and transferred to the Government Higher Secondary School,

Khasra No.736/1434, Village Magriwada, as it has larger space and there is more scope of development.

4. Learned counsel appearing for the respondents, however, submits that both the schools are government schools, and the petitioners are seeking a

direction to the effect of shifting of funds and infrastructure, which were allocated for one government school, to another government school, merely

on the ground that the existing Government Secondary School, Magriwada is situated near a State Highway, whereas Government Higher Secondary

School, Magriwada is situated in Khasra No.736/1434 at Village Magriwada, comprising land admeasuring 5 bighas. As per learned counsel for the respondents, if such a direction is issued, it may result into giving preference to one government school over another government school, which may not be a fit cause for interference in a public interest litigation.

5. After hearing learned counsel for the parties as well as perusing the record of the case, this Court finds that the prayer made in the writ petition is misuse of PIL jurisdiction, as the petitioners are seeking shifting of funds and infrastructure from one government school to another government school, which is located in the same Village Magriwada, only on the pretext that one of the school is near the State Highway, whereas another is having more land and space.

6. This Court is of the opinion that if at all, any development work is required in any of the educational institutions, the cause with regard thereto has to be independently taken up by filing a proper representation before the authorities concerned, and not filing a public interest litigation, like the present one. Hence, this Court is not inclined to entertain the present public interest litigation.

7. Consequently, the present petition is dismissed.