

(2008) 12 AHC CK 0301
In the Allahabad High Court

Ramlalli

APPELLANT

Vs

State of U.P.and others.

RESPONDENT

Date of Decision : 18-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0301

Hon'ble Judges : Pradeep Kant, J and Shabihul Hasnain, J

Final Decision : Dismissed

Judgement

Shabihul Hasnain, J.

By means of the present petition the petitioner prays for issuance of a direction for construction of Junior High School at a particular place.

Under the provisions of sections 10 and 11 of the Basic Shiksha Adhiniyam, the authority to choose a place for the purpose has been prescribed. Such a dispute about requirement of a school at a particular village or over a particular plot can normally be not entertained in writ jurisdiction. Besides, it involves disputed questions of fact and consideration of relevant factors for finding out as to where this school should be opened. This question can be decided by the District Magistrate, who is the Chairman of the District Basic Education Committee, in case the area is selected by the District Education Committee and in case the area is selected by the Gaon Sabha, then by the Basic Shiksha Adhikari.

We, accordingly, while declining to entertain the writ petition, provide that the petitioner may make a representation placing his grievance to the authority concerned and in case such a representation is made, the authority concerned shall decide the same expeditiously.

Subject to above observations, the writ petition is dismissed.