

(2010) 08 RAJ CK 0007
In the Rajasthan High Court

Roshan Khan

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 09-08-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 08 RAJ CK 0007

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Judgement

Govind Mathur, J.—By way of this writ petition, the petitioners have assailed the validity, propriety and correctness of orders passed by the respondents for amalgamation of Schools vide Government of Rajasthan's circular dated 5.4.2010 (Annex.R/1). It is also urged that the respondents are also amalgamating the Schools without verifying actual strength of the students and the need of the institution in the areas concerned.

2. The contention of the learned Counsel for the petitioners is that as per the policy made of Rajasthan under the circular dated 5.4.2010, the Schools situated within the circumference of 1 Km can only be amalgamated but in the instant matter, the orders for amalgamation has been passed with regard to the Schools situated beyond the circumference prescribed.

3. Shri Anand Purohit, Additional Advocate General while defending the orders impugned urged that the issue as to whether the School sought to be amalgamated is situated within the circumference of 1 Km or what is the actual number of students is, cannot be decided by this Court while exercising the powers under Article 226 of the Constitution of India. It is also been pointed out by him that if the petitioners are having any grievance with regard to the orders of amalgamation, then they can agitate their cause before a Competent Committee, constituted under the circular dated 5.4.2010 itself.

4. As per the circular dated 5.4.2010, a Committee consisting of (1) Director,

Elementary Education, (2) Addl. Director, Elementary Education, (3) Concerned Dy. Director and (4) Two Officers of the Directorate nominated by the Directorate shall consider the appeals pertaining to any proposals for amalgamation of the Schools. In the present matter, as a matter of fact orders have been passed for amalgamation of the School on the basis of the proposals received. However, I find force in the contention of Shri Anand Purohit, learned Additional Advocate General that the factual position regarding the distance of Schools and strength of the students cannot be examined by this Court in its extra-ordinary jurisdiction. In view of the position aforesaid, it would not be proper to interfere with the orders of amalgamation by this Court at this stage.

5. Accordingly, this petition for writ is disposed of with a direction to the petitioners to submit representation before the competent Committee constituted under the circular dated 5.4.2010 on or before 11.8.2010. If the petitioners or anybody else having grievance with regard to the orders of such amalgamation submits representation before the authority competent on or before the date aforesaid, then the same shall be considered and disposed of by the said Committee on or before 01.9.2010. The Committee shall also afford opportunity of hearing, if any, person interested demands for that.

6. Till disposal of representation, if submitted by the petitioners, the status quo with regard to the position of the School sought to be amalgamated be maintained.