

Suman Kumari vs. State of Himachal Pradesh and others

CWP No.11800 of 2024

13.11.2024 Present Mr. Hirdaya Ram, Advocate, for the petitioner.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C.Verma, Additional Advocate Generals, with Mr. Ravi Chauhan, Deputy Advocate General, for the respondents-State.

Pursuant to order dated 23.10.2024, Secretary, District Legal Services Authority, Sirmour at Nahan has submitted his report, perusal whereof reveals that the distance between GPS Surla to Kheda is 800 meter and from Khera to GPS Bakarla is 4.600 kilometers and total distance from GPS Surla to GPS Bakarla is 5.4 kilometers.

Having perused aforesaid report submitted by Secretary, District Legal Services Authority, Sirmour at Nahan, who while conducting spot visit, not only associated officials from the Education Department, but also from the Revenue Department, this Court finds force in the submission of learned counsel for the petitioner that impugned order passed by the Government of Himachal Pradesh, thereby ordering merger of GPS Bakarla in GPS Surla, does not appear to be in terms of the policy decision taken by the Government, whereby it has been decided that school having strength of less than five students shall be merged with the school having strength of more than five students, but distance between two schools should be less than 2 Km. However, in the instant case, as has been noticed hereinabove, distance between schools proposed to be merged is more than 5.4 KM.

During the proceedings of the case learned counsel representing the petitioner made available two communications dated 12.09.2024 and 30.09.2024, issued under the signatures of Block Elementary Education Officer, Surla District Nahan, Himachal Pradesh, perusal whereof reveals that afore authority after having noticed factum of distance between two schools, which is admittedly more than 2 Km, coupled with the representation received from the Gram Panchayat concerned, has already referred the matter to Deputy Director Elementary Education, District Sirmour for reconsidering the decision of merger of two schools, as detailed hereinabove.

Learned Additional Advocate General after having perused aforesaid communications, prays for and is granted one week's time to have instructions. Needless to say, instructions, as detailed hereinabove, shall be submitted before this Court in the shape of affidavit, specifically detailing therein reasons for ordering merger of school in violation of policy decision, if any, taken for merger of two schools, as detailed hereinabove.

List on 25.11.2024.

(Sandeep Sharma)
Judge

November 13, 2024
(shankar)