



CGHC010281392022



2026:CGHC:27833

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3928 of 2022

1 - Biro Lal S/o Bhagwandas Aged About 43 Years Resident Of Nandani Nagar,
Ward -8, Ahiwara, Ahiwara-Dhamdha, Durg Chhattisgarh.

2 - Tarun Lal S/o Samin Lal Aged About 39 Years R/o H.No. 15, Dewangan Para,
Ward No. 8, Ahiwara, Durg Chhattisgarh.

3 - Baldev Yadav S/o Dukhit Ram Yadav Aged About 39 Years R/o Ward No. 11,
Behind Petrol Pump, Nandini Nagar, Bhilai, District : Durg, Chhattisgarh

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Government Of Chhattisgarh,
Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur,
Raipur Chhattisgarh

2 - District Education Officer Durg, District Durg Chhattisgarh.

3 - Hemant Siksha Prasar Samiti Through Its Secretary, Namely G.P. Shukla, S/o
Late J.N. Shukla, Aged 81 Years, R/o 15/19- A, Nehru Nagar (East) Bhilai, District
Durg Chhattisgarh.

... **Respondent(s)**

For Petitioner(s)	:	Shri Siddharth Rathod, Advocate.
For State	:	Shri Anand Dadariya, Dy AG.

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

06/07/2026

1. Writ Petitioners are guardians who have filed this petition for the following

reliefs:-

10.1 This Hon'ble court may be please to issue writ in the nature of mandamus, certiorari or any appropriate writ quashing the impugned order dated 26-10-2021 and order

dated 15-02-2022 (Annexure P-1) and all action taken by respondent consequential authorities.

10.2 This Hon'ble court may be please to issue a writ in the nature of mandamus directing the respondents to pay compensation to the petitioner and their children for taking illegal action against him.

10.3 This Hon'ble Court may be please to issue any order or orders, direction or directions, writ or writs as it may deem fit under the facts and circumstances of the case in favour of the petitioner and against the respondents and be also please to award cost of the petition to the petitioners.

2. Learned counsel for the petitioner submits that by virtue of the impugned order dated 26.10.2021 and 15.02.2022, as many as ten schools, including the school run by the Respondent No.3, have been closed. It is submitted that the petitioner was not afforded any opportunity of hearing prior to passing of the said order. Learned counsel further contends that the respondent's institution has been shut down abruptly, in a single day, without assigning any reasons or recording any justification in support thereof. It is thus submitted that the impugned action is arbitrary, violative of the principles of natural justice, and unsustainable in law.
3. Per contra, learned State counsel submits that a detailed reply has already been filed on behalf of the respondents, wherein all material aspects of the matter have been duly considered and explained. It is submitted that the institution in question was granted permission to run classes from Class I to V; however, it was found that the school was not being run in accordance with the policy guidelines framed by the State. It is further submitted that the requisite minimum number of students, as prescribed under the policy, was not being maintained. In urban areas, the prescribed norm is 250 students; however, the petitioner's institution was found to have only 68 students

enrolled. It is contended that, due to non-compliance with the prescribed norms, the competent authority was constrained to take appropriate action. Learned State counsel further submits that prior to the impugned decision, several communications were issued to the petitioner-institution directing it to improve its functioning and increase student strength; however, no corrective steps were taken. Consequently, the District Education Officer, by letter dated 15.02.2022, informed the Respondent No.3 regarding the decision taken by the State Government. Ultimately, in view of continued non-compliance, the order for closure of the institution was passed in the academic session 2021. It is therefore submitted that the impugned order is legal, justified and does not warrant interference, and accordingly, no relief deserves to be granted to the petitioner.

4. I have heard learned counsel for the parties and perused the material available on record.
5. Having heard learned counsel for the parties and perused the record, it is evident that the impugned order dated 26.10.2021 has been passed after due consideration of the relevant facts and material on record. It appears that upon inspection of the respondent's school by the Principal, Government Higher Secondary School, Patan, District Durg, a detailed inspection report was submitted highlighting deficiencies and non-compliance with the prescribed norms. The said inspection report was further examined and affirmed by a duly constituted three-member committee. On the basis of the said reports and recommendations, the competent authority, after due application of mind, proceeded to pass the impugned order closing the institution. The record further indicates that prior communications had been

issued to the respondent institution requiring it to rectify deficiencies and improve compliance; however, the same were not adequately addressed.

This Court finds that the impugned order is supported by cogent reasons and is founded upon an inspection report as well as a committee recommendation, and therefore cannot be said to be arbitrary or passed without due consideration. The contention that the order is without reasons is not borne out from the record.

6. In view of the aforesaid factual and legal position, this Court is of the considered opinion that no ground is made out for interference in the impugned order in exercise of writ jurisdiction under Article 226 of the Constitution of India. The writ petition is accordingly **dismissed**, being devoid of merit.
7. However, it is made clear that if the respondent institution seeks to run the school in accordance with the applicable rules, norms, and policy guidelines, it shall be at liberty to submit an appropriate application before the competent authorities. In the event such an application is made, the same shall be considered and decided strictly in accordance with law, without being influenced by any observation made in this order.

Sd/-
(Amitendra Kishore Prasad)
Judge

Avinash