



(Proceeding through Video Conferencing)

AFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPIL No. 21 of 2022**

Gram Panchayat Manora Through Sarpanch Smt. Tulsi Bhagat W/o Shivnandan Bhagat, Aged About 34 Years, R/o Gram Manora, Block And P. S. Manora, District Jashpur (Chhattisgarh)

---- Petitioner

**Versus**

1. State of Chhattisgarh Through Secretary, Higher Education Department, Mahanadi Bhawan, Mantralaya Atal Nagar Nawa Raipur District Raipur (Chhattisgarh)
2. The Commissioner Public Instruction Indrawati Bhawan, Atal Nagar Nawa Raipur District Raipur (Chhattisgarh)
3. Union of India Through Secretary Ministry of Human Resource Development Shastri Bhawan Rajendra Prasad Road New Delhi 110001
4. The Collector Jashpur District Jashpur Chhattisgarh
5. The District Education Officer Jashpur District Jashpur Chhattisgarh

---- Respondents

(Cause-title taken from Case Information System)

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For Petitioner	: Mr. Apoorva Tripathi, Advocate
For Respondent Nos.1,2, 4 & 5	: Ms. Meena Shastri, Addl. AG
For Respondent No. 3	: Mr. Ramakant Mishra, ASG.

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**Hon'ble Shri Arup Kumar Goswami, Chief Justice**

**Hon'ble Shri N.K. Chandravanshi, Judge**

**Order on Board**

**Per Arup Kumar Goswami, Chief Justice**

**08.02.2022**

Heard Mr. Apoorva Tripathi, learned counsel for the petitioner. Also heard Ms. Meena Shastri, learned Additional Advocate General



appearing for respondent Nos. 1, 2, 4 & 5 and Mr. Ramakant Mishra, learned Assistant Solicitor General for Union of India appearing for respondent No.3.

2. The challenge in this public interest litigation is, essentially in respect of Swami Atmanand English Medium Co-operative Society Scheme, whereby, according to the petitioner, pre-existing Government Hindi Medium High and Higher Secondary Schools, are being converted to Swami Atmanand English Medium High and Higher Schools.

3. The writ petition is filed by Gram Panchayat, Manora and in this petition prayer is also made for a direction not to shift or shut down Government Primary, Middle, Higher Secondary School, Manora, District-Jashpur.

4. Ms. Meena Shastri, learned Additional Advocate General, submits that there is already a public interest litigation pending, being WP(PIL) No. 02 of 2022, on a similar issue, in which Mr. Apoorva Tripathi, learned counsel for the petitioner, himself appears. She has drawn attention of the Court to Rule 80(1) of the High Court of Chhattisgarh Rules, 2007 (for short, 'Rules of 2007') to contend that this petition may not be entertained in view of the pendency of a public interest litigation on the same subject matter.

5. Mr. Tripathi submits that though fundamentally the issue raised in this petition is same as that of WP(PIL) No. 02 of 2022, the school in that case was different.

6. Rule 80(1) of the Rules of 2007, reads as follows :



“80(1) If a proceeding in the nature of Public Interest Litigation has already been entertained and is pending no other petition or communication relating to the same matter shall be entertained. Any person wishing to place any other facet of the same matter before the Court, may accordingly apply for directions in the pending matter.”

7. When the fundamental issue raised in this public interest litigation is same with that of an already pending public interest litigation, name of school hardly has any relevance.

8. In view of provisions of Rule 80(1) of the Rules of 2007, we do not entertain this petition. If the petitioner wishes to place any other facet of the matter before the Court, he may accordingly apply for directions in the pending matter.

9. With the above observation, the petition stands disposed of.

Sd/-  
(Arup Kumar Goswami)  
Chief Justice

Sd/-  
(N.K Chandravanshi)  
Judge