

**IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA.**

**CWP No. 9747 of 2011-E alongwith CWP
Nos.1211/11, 5341/11, 9754/11-F,
9755/11-F, 9756/11-F, 9757/11-F,
9758/11-F, 9759/11-F, and 9760/11-F**

Date of Decision: 29.2.2012.

(1.) CWP No. 9747 of 2011-E

Swami Vivekanand Education Society, 19/7 Shanti Bhawan, Old Bus Stand Hamirpur (H.P.), through its President, N.K. Sharma, S/o Sh. Om Prakash Sharma, R/o Ward No.8, Heera Nagar, Hamirpur, H.P.

.....Petitioner

Versus

1. State of Himachal Pradesh through Principal Secretary (Education) to the Govt. of Himachal Pradesh, Shimla-171002 (H.P.).
2. The Director, Elementary Education, Himachal Pradesh, Shimla (H.P.).
3. H.P. Board of School Education, Dharamshala, District Kangra, (H.P.).

.... Respondents.

(2.) CWP No. 1211 of 2011

1. Bhartiya Education Society, through its Chairman Anirudh Sharma, Gandhinagar, Kullu, Himachal Pradesh.
2. Rameshwari Teachers Training Institute, through its Chairman-cum-Managing Director Anirudh Sharma, Gandhinagar, Kullu, Himachal Pradesh.

.....Petitioners

Versus

1. State of Himachal Pradesh through its Principal Secretary ((Elementary Education), Government of Himachal Pradesh, Shimla -171 002.
2. The Himachal Pradesh Board of School Education, Dharamshala, Distt. Kangra, Himachal Pradesh, through its Secretary.
3. The Director, Elementary Education-cum-Chairman of Selection Committee, Himachal Pradesh, Shimla-171 001.
4. National Council for Teachers Education, Shanti Path, Tilak Nagar, Jaipur-302004, Rajasthan, through its Regional Director .

..... Respondents.

(3.) CWP No. 5341 of 2011

1. Bhartiya Education Society, through its Chairman Anirudh Sharma, Gandhinagar, Kullu, Himachal Pradesh.
2. Rameshwari Teachers Training Institute, through its Chairman-cum-Managing Director Anirudh Sharma, Gandhinagar, Kullu, Himachal Pradesh.

.....Petitioners

Versus

1. State of Himachal Pradesh through its Principal Secretary ((Elementary Education), Government of Himachal Pradesh, Shimla -171 002.
2. The Himachal Pradesh Board of School Education, Dharamshala, Distt. Kangra, Himachal Pradesh, through its Secretary.
3. The Director, Elementary Education-cum-Chairman of Selection Committee, Himachal Pradesh, Shimla-171 001.

..... Respondents.

(4.) CWP No. 9754 of 2011-F

Krishama Education Centre, Village Dadour, Post Office Dhabon, Ner Chowk, District Mandi (H.P.), Managing Committee, through its Managing Director, Shri Lalit Pathak.

.....Petitioner

Versus

1. State of Himachal Pradesh through Principal Secretary (Education) to the Government of Himachal Pradesh, Shimla -171 002 (H.P.).
2. The Director, Elementary Education, Himachal Pradesh, Shimla, H.P.
3. H.P. Board of School Education, Dharamshala, District Kangra (H.P.) through its Secretary.

..... Respondents.

(5.) CWP No. 9755 of 2011-F

Gian Jyoti Institute for Teachers Education Society, Village Icchi, P.O. Gaggal, Kangra, Distt. Kangra, H.P. through its President.

.....Petitioner

Versus

1. State of Himachal Pradesh through Principal Secretary (Education) to the Government of Himachal Pradesh, Shimla -171 002 (H.P.).
2. The Director, Elementary Education, Himachal Pradesh, Shimla, H.P.
3. H.P. Board of School Education, Dharamshala, District Kangra (H.P.) through its Secretary.

..... Respondents.

(6.)

CWP No. 9756 of 2011-F

Trisha Shikshan Society, Shanti Bhawan, Ward No.7, House No.19, Hamirpur, Distt. Hamirpur, HP, through its President N.K. Sharma, S/o Sh. Om Parkash Sharma, R/o Ward No.8, Heera Nagar, Hamirpur, H.P.

.....Petitioner

Versus

1. State of Himachal Pradesh through Principal Secretary (Education) to the Government of Himachal Pradesh, Shimla -171 002 (H.P.).
2. The Director, Elementary Education, Himachal Pradesh, Shimla, H.P.
3. H.P. Board of School Education, Dharamshala, District Kangra (H.P.) through its Secretary.

..... Respondents.

(7.)

CWP No. 9757 of 2011-F

Shiksha Bharti S.V. College Bangana Society, Distt. Una, H.P. through its Chairman Nirmal Thakur, S/O Sh. Baldev Singh, R/o House No.68, Adarsh Nagar, Una, Distt. Una, H.P.

.....Petitioner

Versus

1. State of Himachal Pradesh through Principal Secretary (Education) to the Government of Himachal Pradesh, Shimla -171 002 (H.P.).
- 2 The Director, Elementary Education, Himachal Pradesh, Shimla, H.P.
- 3 H.P. Board of School Education, Dharamshala, District Kangra (H.P.) through its Secretary.

..... Respondents.

(8.)

CWP No. 9758 of 2011-F

Hamirpur College of Elementary Education Society, Ward No.10, Ram Nagar, Hamirpur (H.P.) through its Secretary, Col. K. Jai Chand, S/o late Sh. M.R. Thakur, House No.6, Ward No.6, Pratap Nagar, Hamirpur, H.P.

.....Petitioner

Versus

1. State of Himachal Pradesh through Principal Secretary (Education) to the Government of Himachal Pradesh, Shimla -171 002 (H.P.).
2. The Director, Elementary Education, Himachal Pradesh, Shimla, H.P.

3. H.P. Board of School Education, Dharamshala, District Kangra (H.P.) through its Secretary.

..... Respondents.

(9.)

CWP No. 9759 of 2011-F

Sai Society of Education, Kallra (Nadaun), P.O. Jalari, Distt. Hamirpur, H.P. through its Secretary Pawna Sharma, W/o Sh. Bhuvnesh Sharma, R/o Village Kallar, P.O. Jalari, Tehsil Nadaun, Distt. Hamirpur, H.P.

.....Petitioner

Versus

1. State of Himachal Pradesh through Principal Secretary (Education) to the Government of Himachal Pradesh, Shimla -171 002 (H.P.).
2. The Director, Elementary Education, Himachal Pradesh, Shimla, (H.P.)
3. H.P. Board of School Education, Dharamshala, District Kangra (H.P.) through its Secretary.

..... Respondents.

(10.)

CWP No. 9760 of 2011-F

Devbhoomi Development Society, Chandi, Tehsil Kasauli, District Solan, (H.P.), through its Chairman, Shri Shyam Singh Parmar.

.....Petitioner

Versus

1. State of Himachal Pradesh through Principal Secretary (Education) to the Government of Himachal Pradesh, Shimla -171 002 (H.P.).
2. The Director, Elementary Education, Himachal Pradesh, Shimla, (H.P.)
3. H.P. Board of School Education, Dharamshala, District Kangra (H.P.) through its Secretary.

..... Respondents.

Civil Writ Petitions under Article 226 of the Constitution of India

Coram:-

The Hon'ble Mr. Justice Sanjay Karol, Judge.

Whether approved for reporting? No

For the Petitioners

: Mr. Ramakant Sharma and Mr. Karan Singh Kanwar, Advocates for the respective petitioners

For the Respondents : Mr. Ram Murti Bisht,
Deputy Advocate General
for the State.

Mr. G.D. Sharma,
Advocate, for H.P. Board
of School Education.

Mr. Sanjeev Bhushan,
Advocate, for respondent
No.4 in CWP No.1211 of
2011.

Sanjay Karol, J. (oral) :

Petitioners' grievances essentially pertain to the non allotment of students to their Institution(s) pursuant to the Common Entrance Test conducted by the H.P. Board of School Education. It is seen that there are certain factual aspects which can not be gone into in these petitions, till such time, the respondent/authorities themselves take a decision in that regard. It is also seen that some of the petitioner Institution(s) approached the respondent/authorities but no decision was taken by them and as such they were forced to approach this Court. It is also seen that the next academic session would commence some time in the month of June/July 2012. Hence, in view of the attending facts and circumstances, it would be only appropriate that respondents No.1/2 take a decision with regard to the allocation of seats to the petitioner Institution(s) in accordance with law. While taking such decision, the authorities shall advert to all contentions, including factual aspects, raised by the parties before this Court. Liberty granted to the parties to place additional material before the authorities within a period of one week from today. Needless to add, before taking any decision, all concerned shall be afforded adequate opportunity of hearing/representation. Decision be positively taken, by passing a speaking order within a period of six

weeks from today. Liberty granted to the petitioners to approach the Court if need so arises subsequently.

2. The present petitions are disposed of with the aforesaid directions.

Copy dasti.

29th February, 2012
k.sharma

(Sanjay Karol),
Judge.