



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPIL No. 67 of 2023**

Dhanesh Pal S/o Bedilal Pal, Aged About 52 Years R/o Chakarbhata Camp, Vikas Nagar, 12, District Bilaspur (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur, District Raipur (Chhattisgarh)
2. Director Public Instructions Indrawati Bhawan New Raipur (Chhattisgarh)

---- Respondents

(Cause-title taken from Case Information System)

For Petitioner	: Mr. Viprasen Agrawal and Mr. Shashi Kumar Kushwaha, Advocate.
For Respondent/State	: Mr. Chandresh Shrivastava, Additional Advocate General.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Smt. Rajani Dubey, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****26.07.2023**

1. Heard Mr. Viprasen Agrawal and Mr. Shashi Kumar Kushwaha, learned counsel for the petitioner. Also heard Mr. Chandresh Shrivastava, Additional Advocate General, appearing for respondent/State.
2. The present public interest litigation has been filed by the petitioner with the following prayers:



“(i) That, the Hon’ble Court may kindly be pleased to quash amended notification Annexure P-2 and to issue direction to grant quality education by appointing proper subject teachers with graduation in concerned subject instead of granting formal education by other subject teachers, in the interest of justice.

“(ii) That, this Hon’ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.”

3. The present public interest litigation is filed by the petitioner to restrain the respondent State from diminishing the quality of study in State Government Schools. The State Government is now going to appoint subject teacher by removing the requirement of graduation in particular subject / faculty whereas earlier the subject teachers were appointed on the basis of graduation in concerned subject and now if bar of subject is removed then the position will be that any graduate will teach any other subject for example Sanskrit Graduate will teach Maths and Science, Hindi Graduates will teach English, Science Graduate will teach Hindi, thus, the whole quality of education will be destroyed and the students academic development will be adversely effected.

4. Learned counsel for the petitioner submits that earlier the subject teachers were appointed on the basis of their graduation subject but now the State Government has issued notification dated 04.05.2023 by which requirement of graduation in particular subject has been removed due to which, any teacher can teach any subject and this will destroy the career and future of students of the State. It is further submitted that on 06.05.2023, an advertisement has been issued for Atmanand School, in



which, Graduation in particular subject is mandatory requirement and for other government schools appointment of teachers has been generalized. Hence, the petitioner is prayed for restoration of earlier procedure to appoint teachers on the basis of graduation in particular subject so that proper expert teacher may be appointed to teach the students and their right to get quality education may not be adversely effected.

5. Learned counsel for the State has raised preliminary objection regarding maintainability of the present PIL by contending that though the petition is ostensibly filed in the public interest, the petitioner has not made due disclosure as required as per the judgment of the Supreme Court passed in the case of State of **Uttaranchal Vs. Balwant Singh Chauhal & Others**, reported in **2010 AIR SCW 1029**, therefore, he prays for dismissal of this present PIL. Further, it is submitted that with regard to the same subject matter various petitions have been filed in the private capacity, which are pending consideration.

6. Having considered the rival submissions of the learned counsel for the parties and gone through the record, it is relevant to mention that it is the duty of this Court to ensure that there is no personal gain, private motive and oblique notice behind filing of PIL. In order to preserve the purity and sanctity of the PIL, the Courts must encourage genuine and bonafide PIL and effectively discourage and curb the PIL filed for extraneous considerations.

7. The Courts should, prima facie, verify the credentials of the petitioner before entertaining a PIL. It is also well settled that the Courts



before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The Courts should ensure the jurisdiction in public interest is invoked for genuine purposes by persons who have bona fide credentials and who do not seek to espouse or pursue any extraneous object. Otherwise, the jurisdiction in public interest can become a source of misuse by private persons seeking to pursue their own vested interests.

8. Except for stating that the petitioner is resident of Chhattisgarh and taking part of various social activities nothing further has been stated about the credentials of the petitioner. The petition itself appears to be vague and sketchy, hence, no relief as prayed for by learned counsel for the petitioner can be granted also considering the fact the various petitions have been filed in the private capacity in the subject matter, Accordingly, this public interest litigation is **dismissed**.

Sd/-
(Rajani Dubey)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Hem