



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWPIL No. 24 of 2023
Decided on: 11th May, 2023

Court on its own motion

.....petitioner

Versus

State of H.P and others

...Respondents

Coram

The Hon'ble Mr. Justice Tarlok Singh Chauhan, Acting Chief Justice

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹

For the petitioner:

Nemo.

For the respondents:

Mr. Anup Rattan, A.G. with Mr. Ramakant Sharma, Addl. A.G, Mr. Arsh Rattan and Ms. Priyanka Chauhan, Dy. A.Gs. for respondents No. 1 to 3.

Tarlok Singh Chauhan, ACJ. (Oral)

The instant petition was registered on the basis of news item that was published in Hindi newspaper 'Punjab Kesari' dated 27.04.2023 under the caption "*caste based discrimination in Chikhar School at Shimla*" wherein it was reported that a Dalit woman was appointed as mid day meal worker in that school, out of 40 children, only 20 students are

¹ Whether the reporters of Local Papers may be allowed to see the judgment? Yes.

taking lunch. It is further reported that despite complaint to the Principal of the school, no action has been taken.

2. Upon notice, the respondents have conducted an inquiry, wherein it has been stated that firstly there was no complaint on caste based discrimination of students, secondly, an inquiry had been conducted by the Committee headed by the Deputy Director of Elementary Education, Shimla on 28.04.2023, wherein it was categorically stated that neither caste based discrimination is found by the Teachers or for that matter by the SMC of the school concerned.

3. The inquiry report specifically mentions that *"However, in the opinion of SMC it is not a caste based issue. They told us that earlier there was also one MDM worker Smt. Maina Devi, belonging from a particular community and she retired after about 4 years of service as MDM worker in the same school but no such issue arose during her service period. SMC president and principal are apprehensive that there is someone who is instigating and highlighting this matter in media due to some personal reason. They also have apprehension of some teacher against whom inquiry was conducted by police recently. Now he is transferred to his*

home district school, Staff, SMC President and ward member suspect that he might have tried to give the police inquiry a twist by inserting this angle".

4. Since the caste based charges have not been established, therefore, we give quietus to the present proceedings by closing the same.

(Tarlok Singh Chauhan)
Acting Chief Justice

May 11, 2023
(naveen)

(Virender Singh)
Judge

High Court