



IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA
CWP No.14564 of 2026
Decided on 07th September 2026

School Management Committee

...Petitioner

Vs.

State of Himachal Pradesh and others

...Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

¹Whether approved for reporting?

For the petitioner : Mr. K.B. Khajuria, Advocate.

For the respondents : Mr. Pushpinder Jaswal, Additional Advocate General.

Ajay Mohan Goel, Judge (Oral)

By way of this writ petition, the petitioner has, *inter alia*,
prayed for the following reliefs:-

- i) "That the impugned Notification dated 10.06.2026 (Annexure P-5), insofar as it do-notifies and merges Government Middle School, Sandyar, Education Block Ghumarwin-I, District Bilaspur, Himachal Pradesh, with Government Senior Secondary School, Chhat; may kindly be quashed and set aside.
- ii) That the respondent department may kindly be directed to continue the functioning of Government Middle School, Sandyar as an independent Government Middle School and not to implement the impugned Notification dated 10.06.2026 against the petitioner school;
- iii) That the respondents may kindly be directed to maintain the sanctioned teaching staff, infrastructure and all educational facilities of Government Middle School, Sandyar in accordance with law."

2. Learned Additional Advocate General has placed on record instructions dated 29.08.2026, which reads as under:-

"I have the honour to submit that the instance CWP was listed before the Hon'ble High Court on dated 27th August 2026 and Court passed following order:-

"Learned Additional Advocate General has placed on record instructions dated 25.08.2026 received from Director, School Education, Himachal Pradesh, along with notification dated 24.07.2025 notifying the Right of Children to Free and Compulsory Education, Himachal Pradesh Rules, 2025. As jointly, prayed, list for consideration on 31.08.2026."

In this regard, It is submitted that GMS Sandyar, in District Bilaspur, H.P., has been merged with nearest Government Senior Secondary School Chhat in District Bilaspur situated within the distance of 1.5 KM by Road or 500 meters on foot, "with a view to ensuring effective and optimum utilization of available resources and infrastructure in schools situated within a short distance, as well as to improving the quality of education by facilitating a better peer-group learning environment."

It is pertinent to mention here that As per Govt. Notification dated 24th July 2025, Himachal Pradesh RTE Rules, 2025 Part-III (4) "an upper primary school which is located within a walking distance of 3 Kms from a neighborhood and which has not less than 25 children in class 5th of the feeding primary schools, taken together, availability and willing for enrolment in that school." Copy of said notification dated 24th July, 2025 is enclosed herewith.

Furthermore, as per the guidelines/directions issued by the Government on 17th August 2024 and 11th September 2025, the existing students, teaching and non-teaching staff, office records, and infrastructure have been shifted. At the time of the merger, a total of 12 students (6th to 8th) were enrolled at GMS Sandyar. To ensure continuity of education, all students have been successfully accommodated, 11 students have taken admission in GSSS Chhat, District Bilaspur, while the remaining 1 student has taken admission in GHS Androli, District Bilaspur. The staff of the erstwhile GMS Sandyar, consisting of 2 teaching and 1 non-teaching, has also been adjusted. Copy of said order

17th August 2024 and 11th September 2025 are enclosed herewith.

Besides this, it is submitted that only GMS Sandyar (Classes 6th to 8th) has been merged with GSSS Chhat, District Bilaspur, whereas GPS Sandyar (Nursery to 5th), District Bilaspur (H.P.), continues to function as usual and wherein 15 students are presently studying. Copy of Enrolment of GPS Sandyar is enclosed herewith.

It is, therefore, requested to apprise the Hon'ble Court accordingly and the present CWP may kindly be disposed of in the interest of justice."

3. The Court was otherwise also today informed that the School to which the students stand shifted and that too of the Middle School, is at a distance of 1.5 KM by road and just 500 meters on foot, which fact could not be disputed by learned counsel for the petitioner.

4. In light of this fact, we are of the considered view that the decision of the Government to shift the students from Government Middle School Sandyar to a nearby School cannot be *per se* termed to be arbitrary, as now the resources of the Education Department, that is to say, its teaching staff as also its non-teaching staff can be better utilized in other Schools where there is appropriate student strength, rather than wasting the resources in a School which hardly has any students.

5. We may observe at this stage itself that we might have had interfered with the order, had the distance of the School, to which the students have been shifted, been such that it was not possible for the students to have had easy access to the said School, but, in light of the fact that no such grievance has been raised by the students presently, we close these proceedings by observing that we do not find any arbitrariness in the impugned decision.

6. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 07, 2026
(Vinod)