

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 12204 of 2023**

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DEEPAKKUMAR HASMUKHBHAI MAHIDA

Versus

STATE OF GUJARAT

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Appearance:

DEEPAK N KHANCHANDANI(7781) for the Petitioner(s) No. 1

for the Respondent(s) No. 2,3

MR JAYNEEL PARIKH ASSISTANT GOVERNMENT PLEADER/PP for the  
Respondent(s) No. 1

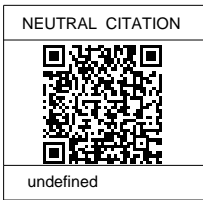
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**CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 20/07/2023****ORAL ORDER**

1. Heard learned Advocate Mr. Deepak Khanchanani on behalf of the petitioner and learned Assistant Government Pleader Mr. Jayneel Parikh on behalf of the respondent State.

2. By way of this petition it would appear that the petitioner seeks a direction to the respondent no. 2- District Education Officer, Nadiad, District: Kheda to implement order of the District Education Officer dated 22-27/09/2022 passed against respondent no.3 herein more particularly whereby the respondent no. 3 School had been directed to refund the fees additionally charged from the students.

3. In the considered opinion of this Court, while it may be true that order dated 22-27/09/2022 may have been passed by respondent no.2 herein upon a complaint filed by the present petitioner. But at the same time it is also equally true that the present petitioner is not a person who could be



stated to be aggrieved on account of non compliance of the order dated 22-27/09/2022. It would appear that the petitioner, has no lis in the matter inasmuch as neither it is the case of the petitioner that he is a parent of any child studying in the school in question nor it is the case of the petitioner that he is in any other manner connected with the activities of the school. Under such circumstances, in the considered opinion of this Court, the present petitioner would not have any locus to file the present petition more particularly the parents, whose fees might not have been refunded by the respondent no.3 School, probably would be the only persons who would have any locus to be aggrieved on account of non implementation.

4. At this stage it also requires to be noted that exercise of powers under Article 226 of the Constitution of India could be invoked when a person has a legal right. In the instant case, essentially, what is sought for by the present petition is execution of an order passed by the District Education Officer, Kheda in the considered opinion of this Court, without delving much into much in to the issue, it would appear that such a prayer, would not be within the purview of this Court to pass nor would this Court be inclined to entertain such an application.

5. Under such circumstances, the present petition is disposed of as rejected.

NIRU

(NIKHIL S. KARIEL,J)