IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 16928 of 2025 a/w CWPs. No. 17084, 17108, 17575, 17885, 17898, 17900, 17970 & 18627 of 2025

Reserved on: 21.09.2026

Date of Decision: 30.09.2026

Uploaded on: 30.09.2026

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1. CWP No. 16928/2025

School Management Committee (SMC), GHS Janahan .....Petitioner

Vs.

State of Himachal Pradesh and others .....Respondents

2. CWP No. 17084/2025

School Management Committee, Government High School, Kanda .....Petitioner

Vs.

State of Himachal Pradesh and others .....Respondents

3. CWP No. 17108/2025

School Management Committee .....Petitioner

Vs.

State of Himachal Pradesh and others .....Respondents

High Court of H.P.

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4. CWP No. 17575/2025

School Management Committee (SMC),
GSSS Jubbar .....Petitioner

Vs.

State of Himachal Pradesh and others .....Respondents

5. CWP No. 17885/2025

The School Management Committee,
Government High School Chanog .....Petitioner

Vs.

The State of Himachal Pradesh and others .....Respondents

6. CWP No. 17898/2025

The School Management Committee of Government
Senior Secondary School Barwas and another .....Petitioners

Vs.

State of Himachal Pradesh and others .....Respondents

7. CWP No. 17900/2025

School Management Committee, Government High
School, Malhoti .....Petitioner

Vs.

State of Himachal Pradesh and others .....Respondents

8. CWP No. 17970/2025

School Management Committee of Government
Senior Secondary School, Damyana and another .....Petitioners

Vs.

High Court of H.P.

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State of Himachal Pradesh and others .....Respondents

9. CWP No. 18627/2025

School Management Committee GHS, Jarashi .....Petitioner

Vs.

State of Himachal Pradesh and others .....Respondents

Coram:

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge

The Hon'ble Mr. Justice Yogesh Jaswal, Judge

Whether approved for reporting?[1] Yes.

For the petitioner(s)/ respondent(s)

CWPs No. 16928 & 17575 of 2025

Mr. Mahesh Sharma, Advocate, for the petitioner(s), in both the petitions.

Mr. Anup Rattan, Advocate General, with Mr. Ramakant Shama, Additional Advocate General, for the respondent-State, in both the petitions.

CWP No. 17084/2025

Mr. Abhay Gupta, Advocate, vice Mr. Sarthak Mehta, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General, with Mr. Ramakant Shama, Additional Advocate General, for the respondent-State.

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1 Whether the reporters of the local papers may be allowed to see the Judgment?

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CWP No. 17108/2025

Mr. Naresh Kumar Verma, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General, with Mr. Ramakant Shama, Additional Advocate General, for the respondent-State.

CWP No. 17885 of 2025

M/s T.C. Verma & Praveen Sharma, Advocates, for the petitioner.

Mr. Anup Rattan, Advocate General, with Mr. Ramakant Shama, Additional Advocate General, for the respondent-State.

CWPs No. 17898 & 17970 of 2025

Mr. Devender K. Sharma, Advocate, for the petitioner(s), in both the petitions.

Mr. Anup Rattan, Advocate General, with Mr. Ramakant Shama, Additional Advocate General, for the respondent-State, in both the petitions.

CWP No. 17900 of 2025

Mr. Bhavya, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General, with Mr. Ramakant Shama, Additional Advocate General, for the respondent-State.

CWP No. 18627 of 2025

Mr. Ajay Kumar Lahota, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General, with Mr. Ramakant Shama, Additional Advocate General, for the respondent-State.

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Ajay Mohan Goel, Judge:

As common issues of facts and law are involved in these petitions and as all the matters were heard together, therefore, they are being disposed of vide a common judgment.

2. For the purpose of facts, as agreed, this Court shall be primarily referring to the submissions made in terms of the pleadings in CWP No. 16928 of 2025, titled *School Management Committee (SMC), GHS Janahan Vs. State of Himachal Pradesh and others,* for reference to the relevant Annexures.

3. The reliefs prayed for in each of the petitions as well as relevant response(s) of the Department, on facts, are quoted hereinbelow:-

CWP No. 16928 of 2025

Relief(s) prayed for:-

> *"(I) Issue a Writ in the nature of Certiorari to call for the records of the case and quash the Impugned Notification No. EDN-B-Chha (5)-3/2024 dated 14-10-2025 (Annexure P-4) to the extent that it orders the downgrading/closure of the Government High School Janahan, District, SHIMLA, H.P.*
>
> *(II) Issue a Writ in the nature of Mandamus directing the Respondents to*

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immediately restore and maintain the existing status of GHS Janahan, and to make the school functional/operational, by holding that the rigid and discriminatory application of the enrollment norm to the said school is violative of Articles 14, 21, and the Directive Principles of the Constitution of India.

(III) That a writ in the nature of Certiorari may kindly be issued for quashing order dated 02.06.2026, Annexure P-6, passed by the Director of School Education, Himachal Pradesh whereby the representation submitted by the petitioner pursuant to the orders passed by this Hon'ble Court has been rejected.

(IV) Pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice."

Relevant response of the Department:-

"2. That Schools have been downgraded after careful consideration on the basis of low enrolment as on 18.09.2025. The 9h & 10" classes of GHS Janahan have been merged in GSSS Chanair by considering the distance and geographical conditions from the nearest school. As reported by the complex School Principal GSSS Chanair, there is no forest area between GHS Janahan to GSSS Chanair

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and distance between GHS Janahan and GSSS Chanair is 10 K.M by road and transport facilities are available. Moreover, students from nearby villages and Janahan are already studying in GSSS Chanair. It is pertinent to mention here that Students from nearly villages in classes 6th, 7th and 8th already utilize the walk able path to commute to GHS Janahan. As on 18.9.2025 there were only 4 students enrolled in 9th & 10th classes, having two students in the class offers unparalleled individual attention, it lacks the dynamic peer environment essential for holistic growth as well as Extremely Limited Peer Interaction, Absence of a Healthy Benchmarking Environment and Lack of Diverse Perspectives. Moreover, there were 6 nos of teaching staff were posted in GHS Janahan the posting ofan excessive number of teachers at such a low enrollment imposes an undue financial burden on the Government. As a result, the objectives of rationalization policy and proper utilization of resources are not being achieved effectively. We understand that the quest, for quality education is an ongoing process, which focuses on requires regularly creating and strengthening systems and institutions; improving learning outcomes through creative, sustainable and scalable solutions; by adopting and adapting new tools and techniques; by encouraging innovation and re-imagining the eco-system of education. Today the challenges in

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education sector ranges from the local to global and the State Education Department, being aware of these, is devising a well thought and reasoned response given the challenges of the present and future. Today, the focus in education, throughout the world, is shifting to life-long learning and the 21st century skills and we cannot be oblivious to the changes in the environment. The NEP 2020 lays the broad policy framework for these changes. The State of Himachal Pradesh is, with the much urgency and balance that is required, re-modeling the education sector in the State so that our children are not left behind. Therefore, we are continuously evolving and bringing in the much required changes in the policy, programs, structure, approaches, pedagogy, technology and outcome based innovations to keep pace with the fast changing world of student education. The decision was taken after considering distance, geographical conditions, availability of transport, enrolment, staff strength and the objectives of rationalization under NEP-2020. The petitioner's plea regarding accessibility, Articles 14 and 21 and safety is misconceived because quality education is ensured through rationalization, adequate infrastructure and optimum utilization of teachers. Article 21A does not prohibit restructuring or merger of schools where educational standards are improved. The allegation of discrimination is specifically denied.

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The decision has been uniformly implemented on objective parameters including enrolment and pupil-teacher ratio. The petitioner has failed to establish that any similarly situated school has been treated differently. The rejection order dated 02.06.2026 is a reasoned order passed after considering the representation pursuant to the directions of the Hon'ble Court and therefore does not suffer from arbitrariness."

CWP No. 17084 of 2025

Relief(s) prayed for:-

"A. Issue an appropriate writ, order or direction quashing the impugned Notification No. EDN-B-Chha(5)-3/2024 dated 14.10.2025 to the extent it downgrades Government High School Kanda to Government Middle School.

B. Issue an appropriate writ be issued directing the Respondents to restore the status of the said school as a Government High School and to ensure continuity of education for students.

C. Direct the Respondents to frame transparent and rational criteria for any future downgrading or merger of schools, in consultation with Gram Panchayats and School Management Committees.

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D. Pass such further orders as this Hon'ble Court may deem just and proper in the interest of justice and equity."

Relevant response of the Department:-

"2. *In this regard, it is intimated that Govt. High School Kanda Distt. Shimla has been Downgraded vide Govt. Notification No. EDN-B-Chha(5)-3/2024 dated 14-10-2025 having enrolment less than or equal to Five (05) as on 18-09-2025 with immediate effect in public interest.(as per Annexure P-2) on the basis of criteria decided in the Departmental meeting held on dated 14-05-2025 under the Chairmanship of Hon'ble Education Minister to the Government of for de-Himachal Pradesh notification/downgrading Merger of Schools. which GHS having enrolment 0-5 students in 9th and 10th classes as on 18-09-2025 and the nearest GHS/GSSS located at the distance of greater than 4 KM be Downgraded to GMS. Therefore, GHS Kanda falls under the criteria fixed by the Government.*

3. Status as on 18-09-2025 provided by the Deputy Director School Education Shimla (Secondary Wing) the criteria of Government High School Kanda, Distt. Shimla was as under:-

Sr. No.	Distt.	Name of School	Enrolment in 9th & 10th	Sanctioned/Filled Posts	Name & Distance of nearby School

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			Classes as on 18.09.2025		
1	Shimla	G.H.S. Kanda	05	07/06	GSSS Halau Distance=8 Kms. total (provided by the Patwari, Tehsil, Nerwa, Shimla

Latest Status of Government High School Kanda as on 11.11.2025 provided by the Deputy Director, School Education, Shimla and Headmaster, Government High School, Kanda, Shimla:-

Sr. No.	District	Name of School	Enrolment in 9th & 10th Classes	Sanctioned/Filled Posts	Name & Distance of nearby School
1	Shimla	G.H.S. Kanda	05	12/06	GSSS Halau Distance=8 Kms.

CWP No. 17108 of 2025

Relief(s) prayed for:-

"(i) That the notification/order dated. 14th October 2025 Annexure P-1 qua downgrading of GHS Tarswan (Serial No.2 of the notification) may kindly be quashed and set aside and further the respondents may be directed to continue the functioning of Government High School GHS Tarswan as was

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earlier as per the mandate of Right of Children to Free and Compulsory Education Act 2009.

(i) a. That the impugned order dated 22nd May, 2026 (Annexure P-6) may kindly be quashed and set aside being contrary to the notification dated 14th October, 2025 and the school may be permitted to continue.

(ii) That the respondent No. 3 may very kindly be directed to visit the school and inspect the same and submit the report for appropriate directions as per Right of Children to Frec and Compulsory Education Act 2009.

(iii) That the entire record pertaining to the case may also be summoned by this Hon'ble Court for its kind perusal.

(iv) Any other or further relief as this Hon'ble Court may deem just and proper keeping in view the facts and circumstances of the case may also be passed in favour of the petitioner and against the respondents."

Relevant response of the Department:-

"*3. That in reply to this para it is submitted that as on 18.9.2025, there were only 5 students enrolled in classes 9th & 10th of GHS Tarswan. Therefore, classes 9th & 10th of Govt. High School Tarswan have been merged in GSSS Dharmehar situated within the distance of 3 KM by road which is*

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easily approachable for students. Moreover 6 nos, of staff were posted in said school. Hence, in GHS Traswan PTR Ratio were 2:3. The posting of an excessive number of teachers at such a low enrolment imposes an undue exceptionally financial burden on the Government. Such an low PTR indicates a significant imbalance between student enrolment and staff strength resulting under utilization of available human resources. As per NEP para No. 2.3 First teacher vacancies will be filled at the earliest, in a time bound manner-especially in disadvantages areas and areas with large pupil-to teacher ratios or high rates of illiteracy. Special attention will be given to employing local teachers or those with familiarity with local languages. A Pupil Teacher Ratio (PTR) of under 30:1 will be ensured at the level of each school, area having large numbers of socio-economically disadvantages students will aim for PTR of 29 2005 under 25:1. As a result, the objectives of rationalization fish achieved effectively. Govt. High School Tarswan Distt. Mandi has been Downgarded vide Govt. Notification No.EDN-B-Chha (5)-3/2024 dated 14.10.2025 having enrolment less than or equal to Five(05) as on 18.9.2025 with immediate effect in public interest. This is the need of the hour and it is one of the steps being taken by the Department of Education to improve quality of education in the State. This is going to be an on-going

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process based on enrolment of students which keeps on changing annually (and also in mid-session). Whether we like it or not, consolidation, merger, clustering of schools is the way forward and keeping this in view the State Government has issued Guidelines of Resource Sharing and Guidelines for School Clustering. It is further submitted that the State Government has consistently adopted objective criteria for establishment and upgradation of Government schools. The Government communication dated 21.04.2011 issued by the Department of Higher Education prescribed that a Government Middle School could be upgraded as a Government High School only if it had at least 40 students in Class VIII and the nearest Government High School was TODAY situated at a distance of not less than 3 kilometres. JLikewise, a Government High School could be upgraded as a Government Senior Secondary School only if it had at Renistar least 60 students in Class X and the nearest Government Senior Secondary School was situated at a distance of not less than 5 kilometres. The said policy clearly demonstrates that student enrolment and educational viability have always been recognized as fundamental considerations in educational planning. Consequently, when adequate enrolment is the basis for creation and upgradation of schools, the Government is equally competent to review

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reorganize or rationalize institutions where enrolment has substantially declined, in order to ensure optimum utilization of educational infrastructure, teaching staff and public resources.

4. That in reply to this para, it is submitted that the Govt. High School Tarswan Distt. Mandi has been Downgarded vide Govt. Notification No. EDN-B-Chha(5)-3/2024 dated 14.10.2025 and 9th & 10th classes of GHS Tarswan have been merged to GSSS Dharmehar situated at the distance of 3 K.M. and road and transport facilities are also available. It is pertinent to mention here that GHS Tarswan has been downgraded to the level of GMS and classes from 6th to 8th is still running in said school. However, enrolment in GHS Tarswan still 9 students and it lacks the dynamic peer environment essential for holistic growth as well as Extremely Limited Peer Interaction, Absence of a Healthy Benchmarking Environment and Lack of Diverse Perspectives. Moreover, 6 nos of teaching staff are posted in GHS Tarswan the posting of an excessive number of teachers at such a low enrollment imposes an undue financial burden on the Government. As a result, the objectives of rationalization policy and proper utilization of being achieved effectively. We understand that the quest for quality education is an ongoing process, which require regular focus on creating and strengthening systems and institutions; improving learning outcomes through

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creative, sustainable and scalable solutions; by adopting and adapting new tools and techniques; by encouraging innovation and re-imagining the eco-system of education. Today the challenges in education sector range from the local to global and the State Education Department, being aware of these, is devising a well thought and reasoned response given the challenges of the present and future. Today, the focus in education, throughout the world, is shifting to life-long learning and the 21" century skills and we cannot be oblivious to the changes in the environment. The NEP 2020 lays the broad 29 JUL 2020 policy framework for these changes. The State of Himachal Pradesh is, with the much urgency and balance that is required, re-modeling the education sector in the State so that our children are not left behind. Therefore, we are continuously evolving and bringing in the much required changes in the policy, programs, structure, approaches, pedagogy, technology and outcome based innovations to keep pace with the fast changing world of student education. The impugned order dated 22.05.2026 is therefore legal, reasoned and based upon objective criteria and warrants no interference by this Hon'ble Court."

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CWP No. 17575 of 2025

Relief(s) prayed for:-

"(I) Issue a Writ in the nature of Certiorari to call for the Records of the case and quash the Impugned Notification dated 14-10-2025, Annexure P-2, to the extent that it orders the downgrading/closure of the Government Senior Secondary School Jubbar, District, SHIMLA, H.P.

(II) Issue a Writ in the nature of Mandamus directing the Respondents to immediately restore and maintain the existing status of GSSS Jubbar, and to make the school functional/operational, by holding that the rigid and discriminatory application of the enrollment norm to the said school is violative of Articles 14, 21, and the Directive Principles of the Constitution of India.

(III) That a writ in the nature of Certiorari may kindly be issued for quashing order dated 22.05.2026, Annexure P-6, passed by the Director of School Education, Himachal Pradesh whereby the representation submitted by the petitioner pursuant to the orders passed by this Hon'ble Court has been rejected.

(IV) Pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice"

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Relevant response of the Department:-

"In this regard, it is submitted that Govt. Senior Secondary School Jubbar Distt. Shimla has been downgraded vide Govt. Notification No. EDN-B-Chha(5)-3/2024 dated 14.10.2025 having enrolment less than or equal to Five (05) as on 18.09.2025 with immediate effect in public interest (Annexure P-2 as annexed with CWP) on the basis of criteria decided in the departmental meeting held on dated 14.5.2025 under the Chairmanship of Hon'ble Education Minister to the Government of Himachal Pradesh for de-notification/downgrading merger of Schools vide which GHS having enrolment 0-5 students in 9th and 10th classes as on 18.09.2025 and the nearest GHS/GSSS located at the distance of greater than 4 Km. & 5 Km. be downgraded to GMS/GHS respectfully. Therefore, GSSS Jubbar, Shimla falls under the criteria fixed by the Govt. as such downgraded to the standard of GHS.

The status of Government Senior Secondary School Jubbar, Distt. Shimla as on 18-09-2025 is depicted in the table here-in-below:-

Sr. No.	Distt.	Name of School	Enrolment in 9th & 10th classes as on 18.09.2025	Sanctioned/Filled Posts	Name & Distance of nearby School

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1	Shimla	GSSS Jubbar	02	7/0	GSS Maraog Distance=2 Kms. on foot, 10 Kms. by road from Jubbar

CWP No. 17885 of 2025

Relief(s) prayed for:-

"(i) Issue a writ of Certiorari quashing the impugned order/notification No. EDN-B-Chha(5)-3/2024 dated 14.10.2025 downgrading Government High School Chanog to Middle School;

ii. Issue a writ of certiorari quashing the order dated 22.05.2026 passed by the Director of School Education, Himachal Pradesh.

iii. Issue a writ of Mandamus directing the respondents to restore the Government High School Chanog to its original status school as a Government High School.

iv. In the alternative, direct the respondent No.2 to consider the case of the petitioner a fresh in light of the admitted increased enrolment of student of petitioner school to eight and passed a reasoned order and strictly in accordance with the policy.

v. Issue a writ of Prohibition restraining the respondents from implementing or enforcing any such downgrading orders dated 14.10.2025 and impugned

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order of respondent No. 2 dated 22.05.2026 during the pendency of this petition.

vi. Quash and set aside the impugned policy of re-organization/rationalization (Merger of School) of schools notified by the Government of Himachal Pradesh, being unconstitutional and violative of the RTE Act, 2009;

vii. Pass any such further or other orders as may be deemed just and proper in the interest of justice."

Relevant response of the Department:-

"3. *In this regard, it is intimated that Govt. High School Chanog District Shimla has been Downgraded vide Govt. Notification No EDN-B-Chha(5)3/2024 dated 14-10-2025 at Sr. No.5 in the list of GHS having enrolment less than or equal to Five(05) as on 21-04-2025 revised date 18-09-2025 with immediate effect in public interest on the basis of criteria decided in the Departmental meeting held on dated 14-05-2025 under the Chairmanship of Hon'ble Education Minister to the Government of Himachal Pradesh for de-notification/downgrading/Merger of Schools. vide which GHS having enrolment 0-5 students in 9th and 10th classes as on 21-04-2025 revised date 18-09-2025 and the nearest GHS be Downgraded to GMS. As per guidelines these students shall be shifted to the nearby or schools of*

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their choice. Therefore, no injustice has been done with the petitioner. Therefore, GHS Chanog falls under the criteria fixed by the Government.

4. Status as 18-09.2025 provided by the DDSE Shimla (Secondary Wing) the criteria of GHS Chanog. Distt. Shimla was as under:-

Sr. No.	Distt.	Name of School	Enrolment in 9th & 10th classes as on 18.09.2025	Sanctioned/Filled Posts	Name & Distance of nearby School
1	Shimla	GHS Chanog	04	8/7	GSSS Khalag

That in this context, presently there are only 04 students enrolled in Government High School Chanog from 9th to 10th and this Govt. High School Chanog also falls under the criteria for downgrading of Schools. As per Govt. decision these students shall be shifted to the nearby or the Schools of their choice. If Downgrade of School implemented then the staff of School can be adjusted in the School on the requirement basis. Therefore, we can make the best use of available resources."

CWP No. 17898 of 2025

Relief(s) prayed for:-

"(i) That a writ of certiorari may kindly be issued the impugned notification dated 14.10.2025

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(Annexure P-3) along with letter dated 12.11.2015 and 13.11.2025 (Annexure P-4 and P5) and impugned order dated 22.5.2026 (Annexure P-10) be quashed and set aside qua downgrading Government Senior Secondary School Barwas Tehsil Kamrau District Sirmaur HP and a writ of mandamus be issued and respondent be directed to continue Government Senior Secondary School Barwas Tehsil Kamrau District Sirmaur HP and vacant post of lecturers of History, Pol Science, Computer science and of Principal be filled up in a time bound manner in the interest of justice and fair play.

b) Entire record pertaining to the case may very kindly be summoned from the respondent.

c) Any other order which this Hon'ble court deems fit in the facts and circumstances of the case may very kindly be also passed in favour of the petitioners."

Relevant response of the Department:-

"In this regard, it is submitted that Govt. Senior Secondary School Barwas Distt. Shimla has been downgraded vide Govt. Notification No. EDN-B-Chha(5)-3/2024 dated 14.10.2025 having enrolment less than or equal to Five (05) as on 18.09.2025 with immediate effect in public interest on the basis of criteria decided in the departmental meeting held on dated 14.5.2025 under the Chairmanship of Hon'ble

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Education Minister to the Government of Himachal Pradesh for de-notification/downgrading merger of Schools vide which GHS having enrolment 0-5 students in 9th and 10th classes as on 18.09.2025 and the nearest GHS/GSSS located at the TESTOnce listance of greater than 4 Km. & 5 Km. be downgraded to ommis@MS/GHS respectfully. Therefore, GSSS Barwas, Sirmour falls under the criteria fixed by the Govt. as such downgraded to the standard of GHS.

The status of Government Senior Secondary School Barwas, Distt. Sirmour as on 18-09-2025 is depicted in the table here-in-below:-

Sr. No.	Distt.	Name of School	Enrolment in 11th &12th classes as on 18.09.2025	Sanctioned/Filled Posts	Name & Distance of nearby School
1	Sirmour	GSSS Barwas	02	7/0	GSSS Kamrau Distance 5 Kms. by road from Barwas

CWP No. 17900/2025

Relief(s) prayed for:-

"A. Issue an appropriate writ, order or direction quashing the impugned Notification No.EDN-B-Chha(5)-3/2024 dated 14.10.2025 to the extent it downgrades Government High School Malhoti to Government Middle School.

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B. Issue an appropriate writ be issued directing the school as a Respondents to restore the status of the Government High School Malhoti and to ensure continuity of education for students.

C. Direct the Respondents to frame transparent and rational criteria for any future downgrading or merger of schools, in consultation with Gram Panchayats and School Management Committees.

D. Issue an appropriate writ be issued directing the Respondents to restore the status of the school as a UL 2006 Government High School Malhoti and to ensure continuity of education for students and to quash the impugned order dated 22.5.2026 (Annexure P-5)

Any further order as this Hon'ble Court may deems feet just and proper in the facts & circumstances may kindly be passed interest of justice and equity."

Relevant response of the Department:-

"3. That it is submitted that, Government High School Malhoti District Sirmour has been downgraded to the level of Government Middle School vide Govt. Notification dated 14.10.2025. In this notification GHS Malhoti is at Sr. [12:55 pm, 29/09/2026] bhupenderraju83: No. 3 in list of GHS downgraded to GMS. It is further submitted that GHS

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Malhoti has enrolment of only 5 students in 9th and 10th classes on 18.09.2025 which falls under the criteria decided in notification dated 14.09.2025. It is further submitted that Departmental meeting was held on 14.05.2025 under the Chairmanship of Hon'ble Education Minister to the Government of Himachal Pradesh for de-notification/downgrading/merger of schools vide which Government High School having enrolment less than or equal to 5 students in 9th and 10th classes as on 21.04.2025 revised date 18.09.2025 and the nearest GHS/GSSS is located within the radius of 4 KM be downgraded to Government Middle School. As per guidelines these students shall be shifted to the nearby school of their choice. Therefore, no injustice has been done with the petitioner. Accordingly, Government High School Malhoti falls under the criteria fixed by the Government.

4. That enrolment status as on 18.09.2025 provided by the Office of Deputy Director of School Education Sirmaur at Nahan (Secondary Wing) in G.H.S Malhoti, District Sirmaur is as under:-

Sr. No.	Distt.	Name of School	Enrolment in 9th and 10th classes on 18.09.2025	Sanctioned/Filled Posts of Teaching and non-teaching staff	Name & Distance of nearby School
1	Sirmour	G.H.S. Malhoti	05	9/5	GSSS Marighat

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Therefore, it is crystal clear that presently there are only 05 students enrolled in Government High School Malhoti in 9th and 10th class which matches the criteria setup by Government for downgrading and school has been downgraded to GMS. It is further submitted that as per Government decision students of 9th and 10th classes will be shifted to the nearby schools or the school of their choice and the staff of school will be adjusted in the other schools on the requirement basis so that best use of available resources can be made."

CWP No. 17970/2025

Relief(s) prayed for:-

"a) That a writ of certiorari may kindly be issued and impugned notification dated 14.10.2025 (Annexure P-4) along with letter dated 12.11.2025 and 13.11.2025 (Annexure P-5 and P-6) and order dated 22.5.2026 (annexure P-9). be quashed and set aside qua downgrading Government Senior Secondary School Damyana Tehsil Theog District Shimla HP and a writ of mandamus be issued and respondent be directed to continue Government Senior Secondary School Damyana Tehsil Theog District Shimla HP and vacant post of lecturers of History, Pol Science, Computer Science and of Principal be filled up in a time bound manner in the interest of justice and fair play.

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b) Entire record pertaining to the case may very kindly be summoned from the respondent.

c) Any other order which this Hon'ble court deems fit in the facts and circumstances of the case may very kindly be also passed in favour of the petitioners."

Relevant response of the Department:-

"In this regard, it is submitted that Govt. Senior Secondary School Damyana Distt. Shimla has been downgraded vide Govt. Notification No. EDN-B-Chha(5)-3/2024 dated 14.10.2025 having enrolment less than or equal to Five (05) as on 18-09-2025 with immediate effect in public interest (Annexure P-2 as annexed with CWP) on the basis of criteria decided in the departmental meeting held on dated 14.5.2025 under the Chairmanship of Hon'ble Education Minister to the Government of Himachal Pradesh for de-notification/downgrading merger of Schools vide which GHS having enrolment 0-5 students in 9th and 10th classes as on 18.09.2025 and the nearest GHS/GSSS located at the distance of greater than 4 Km. & 5 Km. be downgraded to GMS/GHS respectfully. Therefore, GSSS Damyana, Shimla falls under the criteria fixed by the Govt. as such downgraded to the standard of GHS.

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The status of Government Senior Secondary School Damyana, Distt. Shimla as on 18-09-2025 is depicted in the table here-in-below:-

Sr. No.	Distt.	Name of School	Enrolment in 11th & 12th classes as on 18.09.2025	Sanctioned/Filled Posts	Name & Distance of nearby School
1	Shimla	GSSS Damyana Jubbar, Shimla	04	5/2	GSSS Bagain distance 3.5 Kms. on foot, 12 Kms. by Road from Damyana

CWP No. 18627/2025

Relief(s) prayed for:-

"(i) Issue a writ of Certiorari quashing the Notification dated 14.10.2025 (Annexure P-3) as applicable to GHS Jarashi, Education Block Rampur, District Shmala, H.P.

(ii) Issue a writ of Mandamus directing the respondents to make Government High School Jarashi fully functional/operational academic year 2024-25 and allow continuation of classes for all enrolled students.

(iii) Direct the respondents to produce the entire record pertaining to the downgrade/merger of GHS Jarashi for kind perusal of this Hon'ble Court.

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(iv) Pass any other order or direction as this Hon'ble Court may deem fit in the facts and circumstances of the case, in the interest of justice, equity and fair play.

Relevant response of the Department:-

"3. That it is submitted that Govt. High School Jarashi District Shimla has been Downgraded vide Govt. Notification No EDN-B-Chha(5)3/2024 dated 14-10-2025 at Sr. No.11 in the list of GHS having enrolment less than or equal to Five(05) as on 21-04-2025 revised date 18-09-2025 with immediate effect in public interest on the basis of criteria decided in the Departmental meeting held on dated 14-05-2025 under the Chairmanship of Hon'ble Education Minister to the Government of Himachal Pradesh for de-notification/downgrading/Merger of Schools. vide which GHS having enrolment 0-5 students in 9th and 10th classes as on 21-04-2025 revised date 18-09-2025 and the nearest GHS be Downgraded to GMS. As per guidelines these students shall be shifted to the nearby or schools of their choice. Therefore, no injustice has been done with the petitioner. Therefore, GHS Jarashi falls under the criteria fixed by the Government.

4. That Status as on 18-09-2025 GHS Jarashi District Shimla as under:-

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Sr. No.	Distt.	Name of School	Enrolment in 9th and 10th classes on 18.09.2025	Sanctioned/Filled Posts	Name & Distance of nearby School
1	Shimla	GHS Jarashi	04	4/4	GSSS Narain

4. The petitioners herein have assailed Notification dated 14.10.2025, which has resulted in the downgrading of the Schools, subject matter of these writ petitions. The petitioners, in certain cases, have also prayed for quashing of the orders, passed by the Authorities, rejecting their representations against the downgrading or closure of their respective School.

5. Notification, dated 14.10.2025 is appended with CWP No. 16928 of 2025 as Annexure P-3. In terms of this Notification, the Governor of Himachal Pradesh has been pleased to downgrade Government Senior Secondary Schools (GSSS) and Government High Schools (GHS) mentioned therein, having enrolment of less than or equal to five, as on 18.09.2025, in public interest. This Notification reads as under:-

> *"…….The Governor, Himachal Pradesh is pleased to downgrade following Government Senior Secondary Schools (GSSS) and Government High Schools (GHS) having enrolment less or equal to five (5) as*

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on 18.09.2025 with immediate effect in public interest:-

Downgrading of Government Senior Secondary Schools

Sr. No.	District	**Name of GSSS downgraded to GHS**
1	Kangra	GSSS Bhoura
2	Mandi	GSSS Chambi
3	Shimla	GSSS Kotgarh
4	Shimla	GSSS Jubbar
5	Shimla	GSSS Damyana
6	Shimla	GSSS Bosari
7	Shimla	GSSS RAtnari
8	Shrmour	GSSS Barwas
9	Shimla	GSSS Kadiwan
10	Shimla	GSSS Jhina
11	Shimla	GSSS Barach
12	Shimla	GSSS Baghal

Downgrading of Government High Schools

Sr. No.	District	**Name of GSSS downgraded to GHS**
1	Kangra	GHS Gharna
2	Mandi	GHS Traswan
3	Sirmour	GHS Malhoti
4	Shimla	GHS Lingzar
5	Shimla	GHS Chanog
6	Shimla	GHS Munish
7	Shimla	GHS Brall
8	Shimla	GHS Alawang
9	Shimla	GHS Kuhal
10	Shimla	GHS Kanda
11	Shimla	GHS Jarashi
12	Shimla	GHS Janahan
13	Shimla	GHS Gaieha
14	Shimla	GHS Kacheri
15	Shimla	GHS Nagan
16	Shimla	Gahan

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Guidelines/instructions regarding shifting of existing staff/office record, other stock items, sanctioned posts, land & buildings etc. will be issued separately. The students enrolled in these schools shall be shifted to the nearby schools or the schools of their choice."

6. In CWP No. 16928 of 2025, the Government High School Janahan, District Shimla has been downgraded from Government High School to Government Middle School by merging Classes of 9th and 10th standards of the said School with Government Senior Secondary School Chanair, in light of the fact that there were only four students enrolled in 9th and 10th Classes as on 18.09.2025. The challenge to the closure of this School in the writ petition is on the ground that the students will have to undertake journey, both on foot and by bus, which was irregular and unreliable and all this would require 4-5 hours of walking and trekking either-way, which would severely affect the development and growth of the children. On the other hand, the stand of the Department in the reply is that the distance between Government High School Jananhan and Government Senior Secondary School, Chanair is 10 Kms. and transport facilities are available and students from nearby Villages and Janahan are already studying in Government Senior Secondary School, Chanair. It is also the stand of the Department

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that as on 18.09.2025, there were only four students enrolled in 9th and 10th Classes and six number of teaching staff posted in Government High School Janahan and the posting of so many teachers against such a low enrollment imposed an undue financial burden on the Government.

7. Similarly, in CWP No. 17084 of 2025, the challenge is to the downgradation of Government High School, Kanda to Government Middle School and the stand of the Department is that the number of students enrolled in 9th and 10th Classes as on 18.09.2025 were five and these Classes have been merged with Government Senior Secondary School Halau, which was just at a distance of 8 Kms.

8. In CWP No. 17108 of 2025, the challenge is to the down-gradation of Government High School, Tarswan from High School to Middle School, whereas, the stand of the Department is that the 9th and 10th Classes of the said School have been merged with Government Senior Secondary School, Dharmehar, which was at a distance of 3 Kms. by road, on the ground that only 5 students were enrolled in 9th and 10th Classes in the said School and six number of teaching staff stood deployed in the said School.

9. In CWP No. 17575 of 2025, the challenge is to the downgradation of the Government Senior Secondary School, Jubbar, District Shimla, H.P. and the stand of the Department again is that in the

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said School also, only two students were there in 9th and 10th Classes and the sanctioned strength of the Teachers was seven and the Classes have been merged with Government Senior Secondary School, Maraog, which was just 2 Kms. on foot and 10 Kms. by road from Jubbar.

10. In CWP No. 17885 of 2025, the challenge is to the downgradation of the Government High School Chanog to Middle School and in this case also, the stand of the Department again is that in the said School also, only four students were there in 9th and 10th Classes and the sanctioned strength of the Teachers was eight and the Classes have been merged with Government Senior Secondary School Khalag, which was a nearby School.

11. In CWP No. 17898 of 2025, the challenge is to the downgradation of the Government Senior Secondary School, Barwas, Tehsil Kamrau, District Sirmaur, H.P. and the stand of the Department is that in the said School also, only two students were there in 11th and 12th Classes, which was having sanctioned strength of seven teachers and the Classes were merged with Government Senior Secondary School, Mamrau, which was just at a distance of 5 Kms. by road from Barwas.

12. In CWP No. 17900 of 2025, the challenge is to the downgradation of the Government High School, Malhoti to Government Middle School and the stand of the Department is that only five students

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were enrolled in 9th and 10th Classes as on 18.09.2025 and there were 9 sanctioned posts in the said School and the nearby School, with which the students of 9th and 10th Classes were merged, was Government Senior Secondary School, Marighat.

13. In CWP No. 17970 of 2025, the challenge is to the downgradation of Government Senior Secondary School, Damyana, Tehsil Theog, District Shimla, H.P. and the stand of the Department is that in the said School also, only four students were there in 11th and 12th Classes as 18.09.2025, which was having sanctioned strength of five teachers and the Classes were merged with Government Senior Secondary School, Bagain, which was just at a distance of 3.5 Kms. on foot and 12 Kms. by road from Damyana.

14. In CWP No. 18627 of 2025, the challenge is to the downgradation of Government High School, Jarashi, District Shimla and the stand of the Department is that in the said School, only four students were there in 9th and 10th Classes, which was having sanctioned strength of four teachers and the Classes were merged with Government Senior Secondary School, Narain.

15. In all these cases, the petitioners have assailed the down-gradation of the Schools, primarily on the ground that while downgrading the said Schools, the Government has not taken into

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consideration the fact that the downgradation of the Schools is resulting in the students being made to travel long distances to reach the Schools with which the classes stand merged. It was urged before this Court that the State of Himachal Pradesh being a hilly State, the downgrading of Schools and merger of the classes is liable to cause inconvenience to the children, more so, to the girls' students. It was also urged before this Court that the ground realities of the places wherein the Schools were downgraded were not taken into consideration by the Department and the impugned notification was issued qua the Schools in issue without any due application of mind. It was further urged by the learned counsel that the decision was not based on any prudence and the same appeared to be *malafide*, which also rendered the impugned notification to be bad in law. It was also urged by the learned counsel that the convenience of the students was not taken into consideration by the Department and further it was also not appreciated that the reason as to why there was less enrollment of students in the Schools in issue was that sufficient teachers were not appointed in the said Schools. On this count, it was urged that the present petitions be allowed and the impugned notification be quashed and set aside qua the Schools in issue. Alternatively, it was argued that if the prayers of the petitioners do not find favour with the Court, then the respondents be directed to allow the Schools to continue

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till the conclusion of the current academic session in the present Schools and further a direction be issued to the respondents to ensure that proper transport be provided to the students by the Government at the expense of the Department, to ensure that the students were transported to the Schools without any inconvenience and hassle.

16. On the other hand, learned Advocate General argued that the impugned notification was not a result of either colourable exercise of powers nor was it a motivated notification. He submitted that the number of Schools that are existing in the State and, that too, in close vicinity to each other have created a situation where it has become extremely difficult for the Education Department to ensure that adequate number of teaching and non-teaching staff is deployed in all the Schools at all times. He submitted that from the present petitions itself, it is apparent and evident that there are High Schools and Senior Secondary Schools just within a distance of three to twelve kilometers from each other, on account whereof, the burden is there on the Education Department to ensure that adequate number of teachers are posted in both the Schools alongwith non-teaching staff which cater to very few students admitted in the Schools, be it a Middle Standard or a Higher Standard School or a Higher Secondary Standard School, on account of the fact that there is more than one Schools available in close vicinity.

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He submitted that in light of this, the Government has taken a decision to ensure that there is rationalization in this regard and as a step towards it, a decision has been taken that wherever there are less than five students either in 9th and 10th Classes or in the Senior Secondary Standard Schools, such Schools should be downgraded by merging the said Classes/Schools with the nearby Schools. He submitted that by doing so, it is being ensured was that the staff which was deployed in such Schools, where number of students is less than five, is at the disposal of the Department to be deployed in the Schools where number of students is more and while doing so, the Government is ensuring that the students who were studying in Schools where there was enrollment of less than five students in 9th and 10th Classes or 11th and 12th Classes, they were admitted in such nearby Schools where number of students was more, so that they get a congenial environment essential for their growth. Learned Advocate General also submitted that the decision that has been taken by the Government, has been taken after taking into consideration the ground realities as they exist and this is evident from the fact that in the replies which have been filed to the petitions, it has been in detail explained as to why each of the School has been downgraded and what was the rationale behind doing so. Learned Advocate General also argued that the factum of the State being a hilly

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terrain has been taken into consideration by the Department and it was after an objective assessment of all the Schools in nearby vicinity vis-à-vis the number of students studying there and the sanctioned strength of the teachers and the number of teachers actually being posted that the notification in issue was issued. Learned Advocate General also argued that the notification was issued in the larger public interest and in the larger interest of the students, which is not subservient to the convenience of a few. Learned Advocate General also argued that the students of class 9th and 10th as also 11th and 12th are in an age where they require interaction with other students of their age. He submitted that one can very well imagine as to what would be the growth of the children who were studying in a School where jointly the strength of students in 9th and 10th classes was less than five. He argued that it was not as if even in one class there were four students. He submitted that in 9th and 10th classes jointly or in 11th and 12th classes jointly, there were about four students, meaning thereby that in one class there might be one or two students. Learned Advocate General also argued that even from the perspective of teachers, one can very well understand and appreciate as to what kind of education would be imparted by a teacher in a class which either comprises of one student or two; or three or four, or maximum five. He submitted that both teaching and learning is a

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process which requires exchange of ideas and more the number of students, more the chances of interaction and more the chances of growth of a student. Learned Advocate General also submitted that as far as the issue raised by learned counsel for the petitioners for providing transportation facilities to the students is concerned, the Government is not averse to it and the Government undertakes to provide transport facilities to the students, who shall have to travel to the Schools, where their classes have been merged. He submitted that the contention of the petitioners that it would take 4-5 hours for the students to reach the Schools, in which, the classes stand merged, was totally incorrect and exaggerated. Accordingly, he submitted that as there was no arbitrariness or illegality in the issuance of the notification under challenge, the present petitions deserve to be dismissed.

17. We have heard learned counsel for the petitioners and also learned Advocate General. We have also carefully gone through each of the petitions as also the replies filed thereto, as well as the notification under challenge.

18. Hereinabove, besides quoting the reliefs prayed for in each petition and the relevant part of the replies of the Department, we have also mentioned, in brief, the grievance of each of the petitioners. Suffice it to say that they are all aggrieved by the downgrading of their

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respective Schools, which have been downgraded either from a Senior Secondary School to a High School or from a High School to a Middle School, for want of students either at the plus-two level or at the High School level.

19. The downgrading of the Schools has been done by the Department for the reason that there were less than five students as on the cut-off date in the 11th and 12th classes collectively or 9th and 10th classes collectively.

20. As far as these factual issues are concerned, there is no dispute. In this backdrop, what this Court has to examine is as to whether the act of the respondents of downgrading the said Schools and merging the classes in nearby Schools is sustainable in law or can it be termed to be an arbitrary exercise of power.

21. The foundation of the career of a child, obviously, is laid-down in a School. Though the mother is the first Teacher of a child and will always remain so, but then, after an age, it is the environment in the School, which cultivates the child and his future.

22. The Government, in compliance to its Constitutional obligations, is providing education to the students by running Schools; Primary, Middle, High as also Senior Secondary, in various parts of the State. There are places where all the classes from Primary up to Higher

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Secondary are available in the same premises, and then, there are places where, in isolation, there may be Government Primary Schools or Government Middle Schools or Government High Schools or Government Higher Secondary Schools.

23. Obviously, where a School has to be opened, is a Policy decision, which has to be taken by the Government, taking into consideration the factum of Educational Institutions being available to cater to the requirements of the children in nearby vicinity and the provisions of the Right of Children to Free and Compulsory Education (RTE) Act, 2009.

24. The stand of the State in justifying the issuance of the impugned notification is that the Government is facing a situation where there are many-many Schools with very less enrollment of students, which is resulting in the wastage of the resources of the State Government. As per the State, the result of all this is that there are Schools and Schools without adequate number of students and without adequate number of Teachers.

25. In the backdrop of the above, as the intent of the Government is to downgrade the Schools which have less than five students enrolled either in Senior Secondary classes or Higher School classes, as on the cut-off date, by merging the said classes with another

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School in nearby area, according to us, this intent of the Government can neither be termed as arbitrary nor an act of colorable exercise of power. According to us, it is the need of the hour that the number of Schools should be rationalized, so as to ensure that the Schools which are there, provide quality education to the students enrolled in the Schools, by ensuring that adequate number of Teachers are posted in the Schools and by further providing that adequate educational infrastructure is available in the School to cater to the requirements of the students, rather than having number of Schools, which result in wastage of the resources of the Government, which shall then be forced to appoint and engage Teachers and non-teaching staff in all such Schools without there being sufficient number of students in the said Schools, as is the case in the present petitions also. This, indeed, will also result in appointment of Teachers by modes other than the provisions of the Recruitment Rules, resulting in future complications and litigations.

26. As it could not be pointed out during the course of the arguments of these cases that the notification was issued with an ulterior motive or with a *mala fide* intent, according to us, the rationale which has been given in the replies and the submissions which were made by the learned Advocate General, justify the issuance of the notification.

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27. We are also of the considered view that if less than five students are enrolled in Senior Secondary classes or in Higher School classes, then neither the students will get the kind of education which they should be getting in such classes nor the Teachers who are imparting education in such like Schools can teach to the best of their potential.

28. For the growth of the students, it is necessary that they are in an environment where there are adequate number of students, as in the age in which the students from 9th to 12th classes are, they learn from each other and it is the peer group which makes them grow.

29. Similarly, for teachers also, imparting education to more number of students in a classroom not only inculcates in them a sense of responsibility, but would obviously also give them more satisfaction, rather than teaching, may be, one or two students in a class, which obviously would create monotony, both for the students and the Teachers.

30. Obviously, the implementation of the notification will not only ensure that the Government will not have to deploy teachers in Schools where number of students are not adequate and in fact are less than five, as far as Senior Secondary classes and High School classes

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are concerned, it will also provide some comfort zone to the Education Department to utilize its resources properly, that is, its teaching faculties as also non-teaching staff by appointing them and posting them in the Schools where there are students and where the posts are vacant.

31. In light of the above discussion, we do not find either any arbitrariness or any illegality in the notification under challenge.

32. As far as the issue of transportation of the students to the Schools, in which the classes stand merged is concerned, we take on record the statement of learned Advocate General and further issue a direction to the Government to ensure that adequate transportation facilities shall be provided to the students so that they have no difficulty in reaching the Schools in which their classes have been merged. This shall be done by the Department concerned in consultation with the respective School Management Committee/Principal(s) of the Schools which stand downgraded. Further, in the light of the fact that this Court had granted stay qua the operation of the notification in the cases, it is observed that in all the cases where the operation of notification dated 14.10.2025 stands stayed, the current arrangement shall be allowed to continue till the end of the present academic session and notification dated 14.10.2025 shall become effective from the next academic session.

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With the aforesaid observations, the petitions stand disposed of, so also pending miscellaneous applications, if any.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 30, 2026
(bhupender)

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