No. EDN-H (8) E(3) CWPIL NO. 146/2017 Directorate of Higher Education Himachal Pradesh.

Email: dir.edu@rediffmail.com, college_branch@rediffmail.com Ph. No. 0177-2653120, 2653575, Ext.221 Fax No. 0177-2812882

Dated

Shimla-171001

the 24, Oct., 2017.

To

All The Principal (s), Government Degree Colleges/Private Colleges in H.P.

Subject: -

CWPIL No. 146/2017-Court on its own motion V/S State of H.P & ors.

This is in reference to the LD. Advocate General to the Govt. of H.P.w.r.t. his letter No. CWPIL No. 146/2017-Court on its own motion V/S State of H.P. & ors on the subject cited above.

In pursuance to the directions passed by the Hon'ble High Court on 22.09.2017 and 16.10.2017 in CWPIL No.146/2017- Court on its own motion V/S State of H.P & ors. vide which the Hon'ble Court has directed to file the status report(s) well before 24.10.2017 by the Principals of all the institutions/ Deputy Commissioners/ Superintendents of Police as well as the Chief Secretary to the Govt. of H.P. The instant case was listed before the Hon'ble Court of H.P on 22.09.2017 and the Court suo moto take cognizance of an issue which is of vital public interest and importance.

In view of the above, all concerned authorities have to comply with the following instructions as per order passed by the Hon'ble Court on 16.10.2017 and send the compliance report to this Directorate through e-mail i.e. college branch@rediffmail.com by today positively, so that status report could filed in the Hon'ble Court on 24.10.2017.

- 1. As per the direction of the Apex Court students are entitled to concentrate on their studies without any unnecessary disturbance so as to ensure an atmosphere conducive for undertaking good education.
- 2. All the concerned authorities are directed to be very strict in maintaining high academic standards and maintaining academic discipline in their respective institutions.
- 3. No leniency ought to be shown in academic matters and the educational institution ought to be very strict in maintaining high academic standards and academic discipline.
- 4. It would be the responsibility of the students union organizing the function that persons who are not members of the student body or of the faculty do not attend such function. Disobedience in this regard by any student union may be viewed seriously.
- 5. The Hon'ble High Court has highlighted that presence of anti-social elements within the confines of the college will inevitably create a fear in mind of the students who may be left unable to adequately focus on the academics. Therefore, it may be ensured with the help of concerned police authority that no anti-social element enters the college during the conduct of such functions.
- 6. No activity other than the one connected with the affairs of the institutions shall be carried out in any of the campus, meant for imparting teaching to students in the institutions. Principals of all Govt. Colleges are herby directed to ensure that activities conducted by the concerned student

unions are not carried out in a manner so as to be detrimental to education or interest of the students.

- 7. Ensure a peaceful and serene atmosphere in the colleges and take suitable steps for instilling discipline and penalize any person in accordance with law whom they find to be in violation of orders for maintaining congenial atmosphere in the colleges.
- 8. Hence court reiterated to all concerned for ensuring their conduct to be of such a nature which furthers the academic discipline of the institute and is not detrimental to it.
- 9. In order to organize the functions of student union peace fully in the colleges, all the heads of the institutions should liaison with the concerned local administration and police authorities. An advance intimation regarding organizing of the functions of student unions must be sent to concerned authorities of the local administration and police department so that anti-social element could not disturb the discipline of the college.

In view of the above instructions of the Hon'ble High Court all the heads of the institutions are directed to adhere to these instructions in letter and spirit so as to maintain the academic atmosphere and discipline in the educational institutions. Photocopy of the order of the Hon'ble High Court in CWIPL No. 146/2017- Court on its own motion v/s state of H.P & ors is also enclosed herewith to more clarifications.

Endst. No. even dated. Shimla 171001 the Copy to:

Director of Higher Education Himachal Pradesh, Shimla.

1. Principal Secretary (Higher Education) to the Govt. of H.P. w.r.t. aforementioned letter.

- 2. The Registrar (s) all Govt./Private University in H.P with the request to take similar action as per direction of the Hon'ble Court.
- 3. The District Attorney Legal Cell, Directorate of Higher Education Shimla H.P w.r.t his office U.O. No. EDN-H(18)LC-76/2017 dated-17.10.2017 and EDN-H(18)LC-CWFIL-146/2017 dated-18.10.2017&12.10.2017 with the request to apprise the Hon'ble High Court accordingly.

4. All the joint Directors/ Joint Controller (F&A), Directorate of Higher Education H.P Shimla.

5 Incharge, IT Cell, Directorate of Higher Education Shimla H.P to upload the same.

G. Guard File.

Director of Higher Education Himachal Pradesh, Shimla. 22.09.2017 Present: Court on its own motion.

Mr. Shrawan Dogra, Advocate General with Mr. J. K. Verma, Dy.A.G. for respondents-State.

All the Deputy Commissioners of the State of Himachal Pradesh are impleaded as party respondents to this petition. Registry is directed to carry out necessary correction in the Memo of Parties.

- 2. Notice. Mr. J.K. Verma, learned Deputy Advocate General, appears and waives service of notice on behalf of the respondents.
- On the basis of a letter addressed to the Chief Justice of this Court, comments of the District & Sessions Judge, Civil and Sessions Division, Kinnaur at Rampur Bushahr, were called for.
- 4. The state of helplessness expressed by the Principal is in the following terms:-
 - "1. That it has been requested ample numbers of times from the students to maintain the decorum of the institution by limiting the intensity of the functions. But is has been found that despite of repetitive request and guidance the real objective goes unachieved.
 - 2. That the students of the college are found divided on dialectical groups for organizing their functions which is fore seen as the threat to the social makeup of the area.
 - 3. The College administration is finding it difficult to control the mob that specifically is considered outsidous influence during the function.

- 4. That inspite of a good sound system installed and maintained to certain decibels, the students are hiring external auditory system that works beyond the prefixed sound limits. This causes a huge hindrance in studies and on going classes.
- 5. That the college tried to restrict the timings of the functions from 2 PM to 5 PM and strictly on holidays but due to external influences this aim again goes unmet.
- 6. That the faculty members are strictly deputed on duty to maintain the discipline during the function in the auditorium but, the faculty feels threatened by the unidentifiable mob gathered in the function.
- 7. That even the police department refuses to comply to maintain the law and order in the campus during ongoing functions due to the larger no. of functions being organized. (Copy attached).

Therefore it is pleaded that it may prove us a great help if suitable directions are given to us so as to improve the academic environment of the institution as well as that of students."

- It is this, which led the Court *suo moto* take cognizance of an issue which is of vital public interest and importance.
- 6. In Church of God (Full Gospel) vs. K.K.R Majestic Colony Welfare Association, (2000) 7 SCC 282, the Hon'ble Apex Court held that students are entitled to concentrate on their studies without any unnecessary disturbance. Hence the question as to whether students' organizations have a duty to ensure an atmosphere conducive for undertaking good education has to be answered in the affirmative.

- 7. The Hon'ble Apex Court *in Director (Studies) v. Vaibhav Singh Chauhan,* (2009) 1 SCC 59 laid down that the authorities have to be very strict in maintaining high academic standards and maintaining academic discipline and academic rigour if the country was to progress. Hence court reiterated to all concerned for ensuring their conduct to be of such a nature which furthers the academic discipline of the institute and is not detrimental to it.
- 8. In the matter of maintaining discipline, the educational Institution must be given the right of exercising such power and right of the Principal to maintain peaceful atmosphere should be preserved and upheld.
- 9. No leniency ought to be shown in academic matters and the educational institutions ought to be very strict in maintaining high academic standards and academic discipline.
- 10. Therefore, it is directed that the concerned student unions conduct their activities in accordance with directions issued by the college administration in this regard. Moreover, it is also directed that it would be the responsibility of the student union organizing the function that persons who are not members of the

student body or of the faculty do not attend such function.

- 11. We direct that no function, save and except the one meant for the students and so permitted by the Principal, G.B. Memorial Government College, Rampur Bushehar, District Shimla, H.P., shall be held in the campus of the college.
- 12. We are shocked to note that the police refuses to cooperate with the college authorities in the maintenance of law and order. We highlight that presence of anti-social elements within the confines of the college will inevitably create a fear in mind of the students who may be left unable to adequately focus on the academics.
- 13. Therefore, we direct the Deputy Superintendent of Police, Rampur, Shimla to ensure that the college campus is adequately policed during the functions and no anti-social element enters the college during the conduct of such functions.
- 14. We further direct that no activity other than the one connected with the affairs of the institution shall be carried out in any of the campuses, meant for imparting teaching to students, be it a primary, secondary, higher or college levels. The Principal(s) of such institutions are directed to ensure that activities conducted by the

concerned student unions are not carried out in a manner so as to be detrimental to education or interest of the students.

- 15. We further direct the Principal(s) of the college(s) to take all steps as may be necessary to ensure a peaceful and serene atmosphere in the college(s). They may take suitable steps for instilling discipline and penalize any person, in accordance with law, whom they find to be in violation of orders for maintaining congenial atmosphere in the college(s).
- 16. It is the duty of the authorities concerned, more so that of the Principal(s), Sub Divisional Magistrate(s) and the Deputy Commissioner(s)/Superintendent(s) of Police to ensure maintenance of law and order.
- 17. We direct the Chief Secretary to the Government of Himachal Pradesh to forthwith issue directions to all the Deputy Commissioners, who shall personally ensure that the order are complied with in letter and spirit.
- 18. Let affidavit be filed on or before the next date of hearing.

List on 16th October, 2017.

(Sanjay Karol), Acting Chief Justice.

September 22, 2017 **(PK/K)**

(Ajay Mohan Goel), Judge. Attention to Sh. P.C. Kashyap

16/10/14

IN THE HIGH COURT OF HIMACAL PRADESH AT SHIMLA-171 001.

MEMO OR PARTIES

In the matter of :-

CWPIL - 146/2017

Courts on its own motion

.....Petitioner

Versus

- State of H.P., through its Chief Secretary, to the Govt. of H.P.Shimla-2
- The Principal Secretary (Education) to the Govt. of H.P. Shimla -2
- 3 The Director (Higher Education), Shimla, District Shimla.
- 4 The S.D.M. Rampur, District Shimla, H.P.
- 5 The Deputy Superintendent of Police Rampur, District Shimla ,H.P.
- 6 The Principal, G.B. Panth Memorial Govt. College, Rampur Bhusher, District Shimla, H.P.

Collected by me en the Court officer. the Court officer. to day on 16-10-2017

SA-BY/N-C

10 10 W 05 11 Seen by HA CT. As director HOT I ld. DASJ, concern be ask. F-2004 to submit his report All Hory and on of letter a carry of अमी संवास कारों जी। Chief Justice Secretariah High Court of H. P. khimla - 171001 1625 Mis complaint be als sent to him by fa Tourier Dasy ED(P2U) 1956 14 Joen : 2101-6/14 TETENCHONY 212145 CASIE TO CHONING TO CHONING TO CHONING TO CHONING TO CHOMING TO हुए मार्था मा । मार्था मा मार्था करने च्यायावीज् मी हम राजनीम त्नालील महालहालय राम्प अंतर रिया विभाग के स्माय अपि स्माय में 3/E2124-17 617-8171 37145/ 62114 3/E 4/E0-201 POST of उनीहर उनापन हमान मीन करना नाहर है के रामपूर क्यांहर TELEVERINE DESTRICT DESTRICT OF ANTENERY संदर् में करी आप करी है। तहीं कार्यावर कर कार महालकाल. में कि।हम अहण कर रहें होगी की देन आभी कर देने जाली नायक्रमां वि काड़ी चेरानी है। रही है। न्यायादी जिस सामिष हार्य - हार्या निर्मा प्राप्त कर रहे हैं। महारिद्यालम् में भीर कंत्रीक्ष हात्रं खंद्रप द्वरा सिन्मागार में ज्ञापकर्म के उनामा अने मलमें भे कार्या भी पढ़ाई व्यादिन हैं दर्श ही महाविद्यालय के सम्मान में स्थामादिन निन्न में के में की ने में की की मान

किस होरा के किए के माह पर ने हास ने कार में है। है है। है अहिंग्यामर हार्ग अपनी जालों परीसांअं की तथारी कर समें और गहार्वेटालम् में सम्मी कशारं सुनारद क्ष में नल तमें। कार. हरे प्रत्ये स्माण्ये द्वार द्वाराच्ये हो हरा हराहा है। पूर्ण किर्यान है कि मिल्यान मार्थी हत्यार्थ कालों मा अवस्म सिंकान केन्त्र महाराजाम में माना कर के माना कर के रिकान- निर्में जारी करें। जारे बामपूर करील महाकटालमू में भिक्षात्म निर्माति है निर् जीना क्यों में किए में के के प्राची में में मार्ग मार्ग अपन महाक ट्रांलाय के ट्रमार जिसके रिला राजा की ट्रमाराजार के हार्ग-हार्गी मुख्य -पापावर्गि की के स्वर्ण के स्वर्ण के हार्ग-- राजीयु

ON L Tody

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA - 171001

No. HHC/PIL/F-2002/09-2017/ 26963— Dated Shimla, the 20.09.2017

From

The Registrar (Rules)

High Court of Himachal Pradesh,

Shimla.

To

The Distrist & Sessions Judge, District Kinnaur at Rampur, H.P..

Subject:

Anonymous Petition of Students of Govt. College Rampur.

Sir,

I have been directed to forward herewith the copy of petition/application dated Nil addressed to Hon'ble the Chief Justice, High Court of Himachal Pradesh, Shimla, by the above named applicant, for appropriate action and submit report today it self by Fax, in this matter, please.

Onel: As Above.

Yours faithfully,

(Prem Pal Ranta) Registrar (Rules) High Court of H.P., Shimla.

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NO. D&SI/RMP/EC/Misc./2017 Office of the District and Sessions Judge, Kinnaur at Rampur Bushahr.

Dated Rampur the 20th September, 2017.

To

The Registrar (Rules), High Court of Himachal Pradesh,

Shimla-171 001.

Anonymous petition of students of Govt. College, Subject:

Rampur.

Sir.

'lai Hind'

In compliance to letter No. HHC/PIL/F-2002-/09-2017/26967 dated 20-09-2017, I accompanied by an official of the District Legal Services Authority, Kinnaur at Rampur Bushahr, visited G.B.Pant Memorial Govt. College, Rampur Bushahr and contacted Sh. Puran Chand Kashyap, the Principal of the aforementioned college. Since the complaint in question is an anonymous one, so I also contacted Miss Sonu Devi, the President, Miss Rubina, the Vice President, Miss Anjana, the Secretary, and Mr. Prateek, the General Secretary of College Student Central Association (CSCA), Rampur, appointed on merit basis for the present academic session by the authority of the aforementioned college, and also Mr. Anshul Jogi and Mr. Rahul, the President and Secretary, respectively of SFI, and Dev Kumar, the President of NSUI, and Mukesh, Up Pradhan of ABVP, the leaders of aforementioned students organizations. The abovenamed representatives and leaders of the aforementioned Students Associations vide their separate statements made in their own handwriting and duly signed by them expressed their ignorance with respect to the complaint in question.

However, on the basis of the statements made by the above referred representatives of the Students Association and Union, it stands established that various functions are conducted in



thereof, many times altercations take place in the college complex resulting into law and order problem.

Above named Principal of the College also gave written reply with respect to the allegations made in the complaint and therein he virtually expressed his helplessness in denying permission to various students organizations to organize their functions inside the College Auditorium. It is clear from the reply given by the Principal as well as the members of the Associations selected on the basis of merit that academic environment is disturbed due to the frequent functions. The reply given by the Principal as well as statements made by the representatives of the students associations and the leaders of various students organizations are enclosed herewith for your kind perusal.

Submitted as above, please.

Encls: As above

Yours faithfully,

District and Sessions Judge, Civil and Sessions Division Kinnaur at Rampur Bushahr. 0417 Af Gal President N.A. 1st peur (President) Stutet & B. Voc Ist Rem (Secratory) Later B.Sc 5th peur (Vice President) Sitz yatan B.CA 3rdpeur (General Sacratory)

CLIT- Paney & FO ET Govt. Ballabl Part Monorial Degree Go Collage Rampour Ber. if 998/12/aust 21 on ment bank पर इसी वर्ष बनार गर है। हमारे महाविद्यालम में Academic Bestlon के अरु में Fresher pasty au आयोजन college au Auditestum में विषया जाता में तेशा उसकी अलावा अलग अलग होत्री को अधिकार and Association of 3197- 3197 Get-together of Cultural Programmer 3A collège duditorium II -eratid है। तरा उसवा अलावा Academèr Cession समार होने में पहले भी students out अन्म Association GIRT 1910-101-81001 cultural programmis किए जाते हैं। अनवा अना समावती वर्ण Functions suditorium I I Eld El Quitado Association of Student an function and chief outrider अरख पी वार आ अति है व लड़ाई अगडा वर्ष है। जिसे callege में अञ्चारित वर्षा वारावरन बनाता है। उन्योक्त म्पालीन सुबह 11:80 13 मिक पांच पांक ooi2-वहां मार्थ हि निष्ठ right Court it and off Daniers at one it Ex वर्ग हैं।

Date 20-09-2017

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оमान जिमा है है हम ६, ८, ९, М. С. Ramine Bar. म प्रकारके कारी किये है हारा न्यानित किये हैं। प्राथित के ही प्रकारके कारी किये हैं। प्रिक्रिय के होता है और महां पर सिर्का नाम मात्र प्रालीत होती है पहां हमां ने सरका ज्याया होने के कारन हमें ज्याया प्रालीत होती है। कर्या प्राया प्रालीत होती है। कर्या प्राया प्रालीत होती है। कर्या क्याया क्याया प्रालीत होती है। कर्या क्याया प्रालीत होती है। कर्या क्याया क्याया क्याया क्याया होती है। क्याया क्याया क्याया क्याया क्याया क्याया क्याया क्याया होती है। क्याया क्य स्वामार की जंगर की जिम्मेयारी function organisms. की जिम्मेबारी दोली है परंतु प्रेर कालेग केम्प्स की किमोदारी हम नहीं से सकते हैं। स्थानाह में funcotion team Registered acodo association site organipion 3 dia mileo/ 31517 college of oils हाक रेममे ग्रें कार्यना श्राप्त भरता हैं हैं तकरा अमा तो काला प्रभातन तममे कर्मणा करेगी।
अमार कोड वाहर का द्वान और कानूनी कार्मणारी
करता हुआ पापा जाला है असने कोई औ हान खाउन जिल्लेपा नहीं होता। मंदेर ८००० में की गाँउ विकासत के बार में हमें और पानकारी Shoul President SFI Grad 20/07/201

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No. EDN-Rampur-Court Case-2017.—3.5)....
Office of the Principal
Govt Degree College Rampur Bushahr
Distt Shimla HP-172001
Dated: Rampur Bushahr, the 20th September, 2017.

To

The Learned District and Session Judge Kinnaur Civil and Sessions Division at Rampur Bushahr, H.P.

Subject:

Reply of Anonymous Petition of Students of Govt College Rampur Bushahr.

Sir

Kindly refer to your Office Letter No. D&SJ/RMP/EC/Misc./2017-4965 Dated 20/09/2017 in this contest reply of above petition is being submitted as under:-

1. That it has been requested ample numbers of times from the students to maintain the decorum of the institution by limiting the intensity of the functions. But is has been found that despite of repetitive request and guidance the real objective goes unachieved.

That the students of the college are found divided on dialectical groups for organizing their functions which is fore seen as the threat to the social makeup of the area.

 The College administration is finding it difficult to control the mob that specifically is considered outsidous influence during the function.

4. That inspite of a good sound system installed and maintained to certain decibels, the students are hiring external auditory system that works beyond the prefixed sound limits. This causes a huge hindrance in studies and on going classes.

5. That the college tried to restrict the timings of the functions from 2 PM to 5 PM and strictly on holidays but due to external influences this aim again goes unmet.

6. That the faculty members are strictly deputed on duty to maintain the discipline during the function in the auditorium but, the faculty feels threatened by the unidentifiable mob gathered in the function.

7. That even the Police department refuses to comply to maintain the law and order in the campus during ongoing functions due to the larger no of functions being organized. (Copy attached).

Therefore it is pleaded that it may prove us a great help if suitable directions are given to us so as to improve the academic environment of the institution as well as that of students.

Yours Faithfully

CHTE and Memorial
Cost College Bannour

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प्रधानाचार्या महोदय,

राजकीय महाविधालय रामपुर युश्हर.

िरमा भिरात्य किए प्र भ

विषय-

विभिन्न छात्र सगंवनों के द्वारा सांस्कृतिक कार्यक्रमों के आयोजन के बारे में।

श्रीमान जी.

अवसित विषय के सन्दर्भ में निर्वेदन हैं कि समय समय पर राजकीय महाविधालय के प्रमुख सम्वन्नों के द्वारा महाविधालय के सम्मान में आरोजन के प्राचिक्त कारोक्रमों का आरोजन किया जाता हैं, जिसमें उत्तर छात्र अंगठनों के सदस्य व छात्र भागित होते हैं तथा कारोक्रम के आरोजन के दौरान भागित क्यार्य को बनाए रखने के लिए हर समय समय पुलिस सहायता की मांग की जाती हैं। इस विषय के सन्दर्भ में निर्वेदन हैं कि यह सांस्कृतिक कारोक्रम उत्तर छात्र संगठनों का निर्वेदन हैं कि यह आरोत व्यवस्था बनाए रखोवयोंकि राजकीय सम होता है, इसिए महाविधालय के समामार में आरोक्रम के आयोजन से पूर्व महोदय की अनुमति प्राप्त करना आवश्यक होता है, इसिए महिला में कोई भी कारोक्रम समामार में आरोजित होने से पूर्व महोदय की अनुमति प्राप्त करना आवश्यक होता है, इसिए रखने का लिखित में महोदय समामार में आरोजित होने से प्राप्त काम संगठन से कारोक्रम के दौरान भागित व्यवस्था बजाए रखने का लिखित आपरास्था काम होने पर ही उत्तर भाग संगठन को समामार में आरोजित होने से उत्तर भाग संगठन को समामार में कारोक्रम समामार में आरोजित होने से उत्तर सम्प्र के निर्वेद आरोज की मोनितिर महास्था करने की अनुमति ही जाए व महास्था प्रमुखन हैं के प्राप्त के सम्प्रका की मोनितिर होने किया जाया है सम्प्रका करने की महास्था करने होने होने किया जाया करने की अनुमति हैं तो उत्तर होने कि सिर्वाफ करने जो सुमामार में आरोजित होने के सम्प्रका को सिर्वाफ स्था कारोजित होने करने निर्वेद सुमाम स्था की सिर्वाफ करने के लिए पुरिस सुमाम की जाती है जो अनुमित हैं तथोंकि थाना उत्तर परले ही अन्य विषयों व सुरक्षा आदि के काफी उत्तरदायित्व है। वयोंकि महासितालय के अनुदर क्रयत हैना उत्तर होता का साथोजन विधाग का आनत्तरिक मागत है तथा इन मागतों में प्रतिविधालय के अनुदर क्रयत हैना उत्तर महासित में साथोजन विधाग का आनत्तरिक मागत है तथा इन मागतों में प्रतिविधालय के अनुदर क्रयत हैना उत्तर होता का है।

अतः आपसे भिरोहन हैं कि भविष्य में केवल सरकारी कार्यक्रमों के आयोजन के लिए ही पुलिस सुरक्षा प्रदान की जाएगी, भीजि कार्यक्रमों के आयोजन होने पर पुलिस सहायता केवल अधिहार्य प्रोरेस्थितियों को लेडकर प्रदान नहीं की जाएगी।

> पुटिस धाना रामपुर, जिला भिगला थि० प्र ०१

पृष्ठाताम शंख्या-----

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- ा. प्रतितिपि- पुरिस्स अधीक्षक मंस्रोदय शिमला जिला शिमला को सूचनार्थ हेतु प्रेषिता
- २. जिलाधीश महोदय शिमला जिला शिमला को सूचनार्थ हेतु प्रेषित।
- 3.उपमण्डल देण्डाधिकारी (नाम) महोदय समपुर बुर्गेटर को सूननार्थ हेतु प्रेषिता
- ४ उपमण्डल पुलिस अधिकारी महोद्रस राजपुर बुशैहर को सूचनार्थ हेतु प्रेषिता

પ્રમારી, પુરાસ થાના રામપુર પ્રમારી,