

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

PIL No. 68 of 2021

Thangonglung Kamei, aged about 53 years, S/o Gaijoun Kamei, Namthangjang Rongmei Village, P.O. Lanjing, P.S. New Keithelmanbi, Kangpokpi District, Manipur -795113.

... Petitioner

- Versus -

1. The State of Manipur represented by the Commissioner of Education (S), Government of Manipur, Manipur Secretariat, P.O. & P.S. Imphal, Imphal West District, Manipur- 795001.
2. The Director of Education (S), Government of Manipur, Lamphelpat, Directorate of Education (S), Lamphelpat, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.
3. The Zonal Education Officer of Kangpokpi District, Office of the Zonal Education Officer, Kangpokpi, P.O. & P.S. Kangpokpi, Kangpokpi District, Manipur – 795129.
4. The School Management Committee (SMC) of Khonglong-II Lower Primary School represented by its Chairman Shri Lungthaogai Gangmei, aged about 50 years, S/o Kaithanga Gangmei, a resident of Namthanjang Rongmei Village, P.O. Lanjing, P.S. New Keithelmanbi, Kangpokpi District, Manipur – 795113.

...impleaded as R-4, vide order dated 01.02.2022.

... Respondents

B E F O R E

**HON'BLE THE ACTING CHIEF JUSTICE MR. MV MURALIDARAN
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

For the petitioner	:	Mr. M. Rakesh, Advocate.
For the respondents	:	Mr. S. Nepolean, Sr. G.A. for respondent Nos. 1,2 & 3. Mr. Tungrei Ngakang, Advocate for respondent No. 4.
Date of Order	:	25.04.2023

ORDER

A. Guneshwar Sharma, J.

[1] The present public interest litigation is filed by the petitioner who is a public interested person on behalf of the school children of Namthangjang Rongmei Village, Keithelmanbi, Kangpokpi District. It is stated that Namthangjang Rongmei Village is a tribal village located in the district of Kangpokpi consisting of 100 households with a population of 500. Literacy rate of the village is 60.94 percent as per the 2011 census. Khonglong-II Lower Primary School is a Government Aided School established in the year 1980 and it provides education upto Class-II level. Presently, there are about 50 students and 1(one) teacher and the school has been functioning without a building. For the welfare of the students, the villagers provided a temporary school building made out of mud wall consisting of only 2 rooms only. The school building is under dilapidated condition and unfit for running a school. The school also lacks basic infrastructure such as power connection, drinking water, toilet etc. and the children are facing hardship due to the deplorable condition of the school. The poor villagers are unable to send their children to other schools as a result; there is high rate of school drop-out amongst the villagers and the children.

[2] In the present petition, the petitioner prays for the following relief:

" a) To admit this writ petition and issue rule Nisi;

b) To issue a writ in the nature of Mandamus or order or direction thereby, directing the Respondents to construct a school building at Khonglong-II Lower Primary School building consisting of adequate rooms for students and staff;

- c) *To issue a writ in the nature of Mandamus or order or direction thereby, directing the Respondents to deploy adequate teachers.*
- d) *To issue a writ in the nature of Mandamus or order or direction thereby, directing the Respondents to construct separate toilets for both boys and girls, provide potable drinking water and other facilities as per the provisions of the RTE Act.*
- e) *To issue any other appropriate writs or orders or directions which the Hon'ble Court deems fit to do so."*

[3] The State respondents filed counter affidavit stating that there are 19 students and 2 teachers in the school. Two approved teachers namely Makulan Gangmei and Pougam Gonmei are working in the school as on date. There are 3 rooms in the school and the school is located in the permanent school campus which is donated by the Village Chief on behalf of the Thanglong Kabui (Khonglong-II). The school building is in good condition made up of half brick wall and iron sheet with iron sheet roofing and not made out of mud wall. It is also stated that Aided School is governed by the Managing Committee as per Chapter VI Section II of Manipur Education Code 1982 and as such the Managing Committee is responsible for the maintenance of the school house, furniture and equipment etc. and the role of the Department of Education (S), Government of Manipur is very limited in the Aided Schools. The role of the Department of Education (S), Government of Manipur is to accord Grand-in-Aid to the Aided Schools. It is further stated that all the aided schools including the Khonglong –II Lower Primary School are also provided school uniform, books and MID-Day Meal for the students by the State Government.

[4] Respondent No. 4, School Management Committee also filed counter affidavit stating that the committee has no source of income or revenue and is solely dependent on the grand-in-aid given by the State Government for running the school. However, due to irregular and inadequate grants provided by the Government, the School has not been able to effectively function. It is stated that the Village Authority had recently constructed a new school building consisting of three class rooms from the village funds for the welfare of the school children of the village. The School Management Committee suggested the State Government to take over the school and convert it into a full-fledged Government School by following procedure established by law.

[5] Heard Mr. M. Rakesh, learned counsel, appearing for the petitioner; Mr. S. Nepolean, learned Sr. Government Advocate, appearing for the State respondents; and Mr. Tungrei Ngakang, learned counsel for the School Management Committee.

[6] From the documents filed by the parties, it is seen that the school has a building having 3 rooms with half brick wall and iron sheet with iron sheet roofing. The School has also kitchen for MID-Day Meal. However, from the reports and documents submitted by the respondents, construction of separate toilet for boys and girls is not mentioned. It is seen that the substantial prayers in the PIL petition have been complied and accordingly, this Court closed the PIL with a direction that if there is no separate toilet for boys and girls, State respondents and the School Managing Committee, shall make endeavor to construct the same within a period of 3 months from the date of receipt of this order.

[7] Furnish a copy of this order to the Commissioner, Education (S), Government of Manipur and the School Management Committee, Khonglong –II Lower Primary School for information and necessary compliance.

JUDGE

ACTING CHIEF JUSTICE

Indrajeet