

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

PIL NO. 37 OF 2022

Ch.Wongshangshim, aged about 34 years,
s/o (late) Ch.Paul, a resident of Tora
Village, PO Somdal & PS Somdal,
Ukhrul District, Manipur 795144. ... Petitioner

-Versus-

1. The State of Manipur represented by the
Chief Secretary, Government of Manipur,
Babupara Imphal, PO Imphal & PS Imphal,
Imphal West District, Manipur 795001.
 2. Commissioner/Principal Secretary,
Education (S), Government of Manipur,
Babupara Imphal, PO Imphal & PS Imphal,
Imphal West District, Manipur 795001;
 3. The Director, Education (S), Government
of Manipur, PO Lamphel, PS Lamphel,
Lamphelpat Imphal, 795004.
- ... Respondents

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

For the petitioner : Mr.B.Prem Sharma, Advocate
For the respondents : Mr.Lenin Hijam, A.G, Manipur &
Mr.Dimal Kumar, Advocate

Date of hearing/ : 09.02.2023
Judgment/order

JUDGMENT AND ORDER

A.Guneshwar Sharma,J.

Heard Mr.B.Prem Sharma, learned counsel for the petitioner and MR.Lenin Hijam, learned Advocate General, Manipur assisted by Mr.L.Somorendro Roy, counsel for the State respondents.

[2] The petitioner who is a panel lawyer for Child Welfare Committee, Ukhrul District, Manipur and is working for the welfare of the children of Manipur, states that he is a public spirited person and the present Public Interest Litigation is filed in the interest in the matter.

It is stated that on 08.01.2020, the petitioner came to know about an order passed by the Director, Education (S), Government of Manipur stating all the transfer and posting in different parts of Manipur. But at the time of inquiry there was no proper school building to attend academic session for the Tora Aze Primary School, Ukhrul District Manipur. It is stated that since there is no proper school building for the above mentioned school, no admission can be allowed. Students have been admitted for the Session 2017-2018 but due to improper and irregular teachers, students got admitted to neighbouring villages for the Session 2019. It is stated that the families of the students are backward and their rights to free and compulsory education has been violated.

It is stated that on 14.10.2020, the petitioner wrote an application/representation to the Director, Education (S), Government of Manipur to look into the matter but no action has been taken up by the authority in this regard. It is further stated that the two teachers who were posted in Tora Aze Primary School, have been utilized in other school and in the circumstance, the petitioner has filed the present petition praying the following relief(s)”

- “(i) To admit the present Public Interest Litigation (PIL);
- (ii) To issue rule nisi calling upon the respondents to show cause as to why prayer made by the petitioner shall not be granted in the facts and circumstances of the present petition;
- (iii) To issue a writ in the nature of Mandamus/Certiorari or any other appropriate writ/directions/orders, directing the respondent to implement the Schemes/Programs in view of the facts and circumstances of the present petition;
- (iv) To issue a writ in the nature of Mandamus/Certiorari or any other appropriate writ/directions/orders, directing the respondent to cause an enquiry by an independent agency or by a Commission duly constituted for the purpose, in view of the facts and circumstances of the present petition;
- (v) If no cause is shown or insufficient cause is shown, make the rule absolute;
- (vi) To call for the entire relevant records;
- (vii) To pass any order/writ/directions which the Hon’ble Court deem fit and proper in the facts and circumstances of the present case;”

[3] Vide order dated 16.11.2022, this Court issued notice and it was observed that pendency of this writ petition would not preclude the authorities from taking appropriate action even before the next so as to address the issues raised in the present PIL.

When the matter was taken up on 31.01.2023, learned counsel for the State informed that the construction of the school building is complete. However, Mr.B.Prem Sharma, learned counsel for the petitioner stated that the teachers who are posted at the school are

not being utilized and at present, there are no proper teaching facilities for the children. Accordingly, learned counsel for the State respondents sought some time to file reply in this regard. When the matter is taken up today i.e. on 9.2.2023, Mr.Lenin Hijam, learned Advocate General, Manipur has submitted a reply affidavit on behalf of respondent Nos.2 and 3. It is stated at Para 7 of the reply affidavit that the construction work of the Tora Aze Primary School was completed as per letter dated 20th January, 2023 issued by the Zonal Education Officer, Ukhrul, Manipur and the said school is ready for conducting class for the coming session. And in para 10 of the reply, it is stated that the said School (Tora Aze Primary School) has two sanctioned posts and two teachers are posted in the school itself vide order dated 6.2.2023, issued by the Director of Education (S), Government of Manipur, two teachers namely, (1) Wungnaongam A Shatsang, PT and (2) Soraisam Somarendro Singh, PT have been posted to Tora Aze Primary School.

[4] The learned Advocate General, Manipur submits that since the main prayers of the petitioner in the PIL are substantially satisfied that the construction of the school is completed and two teachers are posted in the school itself and as such, the PIL may be closed. Mr.B.Prem Sharma, learned counsel for the petitioner submits that the matter may be kept pending as there other prayers to monitor the progress.

[5] We are of the view that it is clear from the reply affidavit submitted by the respondents and photograph show that construction of the school is completed and two teachers are now posted in the school vide order dated 6.2.2023 issued by the Director, Education (S), Government of Manipur. Hence the prayer made in the PIL are

answered by the State respondents. Accordingly, the PIL is closed. However, the State authorities shall make endeavour to make the school function properly.

No cost.

JUDGE

CHIEF JUSTICE (ACTING)

Priyojit

RAJKUMAR
PRIYOJIT
SINGH

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by RAJKUMAR
PRIYOJIT SINGH
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