



2024:DHC:2860-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13436/2022 & CM APPL.59580/2023**

SOCIAL JURIST, A CIVIL RIGHTS GROUP Petitioner

Through: Mr.Ashok Agarwal, Advocate with
Mr.Manoj Kumar and Mr.Kumar
Utkarsh, Advocates.

versus

GOVERNMENT OF NCT OF DELHI Respondent

Through: Mr.Santosh Kr.Tripathi, Advocate
with Mr.Rishabh Srivastava and
Mr.Kartik Sharma, Advocates for
GNCTD alongwith Mr.Ashok Kumar,
(Secretary, Education), Mr.K.S.
Upadhyay (Regional Director, East),
Ms.Sudha (Deputy Director, NE-I),
Mr.Brijesh Kumar Sharma (DDE,
Zone 4), Mr.Basant Kumar (Section
Officer) and Mr.Ashok Goswami
(LA-Zone 4) for DOE

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Date of Decision: 08th April, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. In pursuance to the last order, the Secretary (Education), GNCTD and Mr.Ashok Agarwal, Advocate have personally visited the schools of North East District of Delhi.

Signature Not Verified

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2. Mr.Ashok Agarwal, Advocate has today in Court handed over a report of his visit. The same is taken on record. The said report is reproduced as under:-

“VISIT REPORT OF ADVOCATE ASHOK AGARWAL FOR KIND CONSIDERATION OF THIS HON’BLE COURT”

Pursuant to the Order dated 20.03.2024 of this Hon’ble Court, the undersigned visited several schools including GGSSS Khajoori Khas, GGSSS East Gokal Pur, SKV C-1 Yamuna Vihar, SKV Khajoori Khas, GGSSS Sonia Vihar, newly constructed SKV Sriram Colony Khajoori Khas, GGSSS Bhajanpura, GGSSS Dayalpur, GGSSS Sabhapur and SKV Khader Badarpur. Incidentally, 4 of the MCD primary schools (2 in Sri Ram Colony Khajoori Khas, 1 in Dayalpur and 1 in Shivpur) of the area were also visited and it was noticed that none of the 6 lakh students studying in MCD Primary school have been given books, notebooks and writing material, etc, though the session has started from 01.04.2024 and almost all desks were found broken.

1. GGSSS Bhajanpura

Completely a tin building school running for last several years. 1,800 girl students and 1,800 boy students are studying in this double shift school. Almost all desks were found broken. Tin school was not an all-weather building as envisaged in RTE Act, 2009. Not a conducive atmosphere at all for education of the young minds. Now summers have started, how children can study in tin classrooms in high temperature at 40-45 degree Celsius.

2. SKV C-1 Block Yamuna Vihar

It is a double shift school. 5,000 – 6,000 girl students study in morning shift and nearly same number of boy students study in afternoon shift. At present there are 70-80 students in each section. It is noted that 2 sections are merged in a single classroom. There is a serious shortage of classrooms.

It has an old building in the same campus which is under renovation since December, 2019. This building was so called completed by DTTDC. Shockingly, the incomplete building was handed over to the school vide letter 12.12.2023. It is submitted that still front portion of the work has not renovated, also grill work which was requested to them to uplift and gate No. 1 and connected path along with leveling of ground is not yet complete. It is not at all inhabitable. The school’s old building is not having CCTV coverage. The school building does not have fire and building NOC. The fire jet pump which was installed by DTTDC is not in working condition. These are the requirements of the school for ensuring the safety and security of the students. Because of handing over of incomplete building, the students are deprived of 20 classrooms, 4 Labs and NSQF Labs, Geog Labs.



Teachers were also complaining of non-availability of space for them in the staffroom. As many as 120 teachers were allotted single staffroom which was not conducive for work. If old building is completed and handed over to the school it will be helpful for the teachers also. Therefore, directions may be issued to the respondent GNCTD to get all the pending work done expeditiously in timebound manner and then handover the building to the school.

3. GGSSS East Gokulpur

Double shift school having over 2,000 girl students in the morning shift and nearly the same number of boy students in afternoon shift with 70- 75 students in each class despite converting science lab, art room, and half of the library into class rooms.

It has a school building in the campus having 15 classrooms but this building was official declared as dangerous within 7 years of its construction due to cracks appeared in the building and is not in use since July, 2023. Needless to say, that this building was inspected on 22.06.2023 by the Executive Engineer and noted that there were appear cracks in the building. He however suggested in the letter dated 03.07.2023 to HOS, GGSSS the need to examine the structure/building through the expert or government institution. It is submitted that no steps have been taken by the department to rebuilt or renovate this building since July, 2023 and students are deprived of 15 classrooms and forced to sit in the overcrowded classrooms.

4. Government Boys Middle School, Johripur

About 700+ girl students study in morning shift and about same number of boy students study in the afternoon shift. 70-75 students in each section and in classes students of 2 sections were sitting together and 2 teachers together in the class are taking their classes. The undersigned visited the school on 06.04.2024 and found that books, notebooks and writing material has not been provided to the students though the academic session has already started from 01.04.2024. It is submitted that nearly 10 Lakh students from class 1 to 8 are studying in Delhi Government Schools and none of them has so far been provided with books, notebooks and writing material which are required to be provided in terms of the provisions of RTE Act, 2009. It is alarming. It is submitted all these things ought to have been given to the students on the day there results were declared and were promoted to the next class or in case of fresh admission, the date on which the admission is given.

5. GGSSS Sonia Vihar

Having more than 5,000 students in each of the double shift school, due to shortage of classrooms, in most of the classrooms students of 2 sections were accommodated together whose student's strength goes over 100. I am informed by the School Principal that nearly 2,000 students are in the process of shifting to new school building at Sriram Colony, Khajuri Khas.



6. **17.5 Bighas vacant land at Shiv Vihar Metro Station**

The Government has a vacant land in its possession measuring 17.5 Bighas at Shiv Vihar Metro Station for construction of 3 Government Schools. 3 Government Schools means a lot for education of students. This land was earlier encroached upon by anti-social elements but now it has a boundary wall and in the possession of Directorate of Education. However, no effective steps are being taken by DOE to construct schools on this land. Therefore, a direction may be issued to the respondent GNCTD to expedite the work of construction of 3 proposed Government Schools on this land in a timebound manner.

7. **GGSSS Dayalpur**

1,800 girl students in morning shift and nearly the same number of boy students in the afternoon shift studying in this school in classes 6 to 12. In each section there are 70-80 students. Even though there was absenteeism of students to the extent of 25-30 percent, the classrooms were still overcrowded. The students in all the classrooms were showing broken desks which needs immediate attention of the Directorate of Education.

8. **GGSSS Sabhapur**

More than 3000 girl students in morning shift and 2600 boys students studying in evening shift of school. Morning shift principal informed me that in 2023-24 session, class IX and XI students were called for half-half time for classes. However, many students are in the process of shifting to new school building at Sriram Colony, Khajoori Khas in 2024-25. There is shortage of classrooms. I noticed that even half of the principal room is converted into a classroom. Similarly, some other rooms are also converted into classrooms but still the situation is alarming.

9. **SKY Khadar Badarpur**

1,800 girl students in the morning shift and equal number of Boy students studying in evening shift of the school. School situated in low lying area and is facing threat of flood problem in absence of a proper dam around the village in which it is situated. Recently during the flood, there was water upto 6ft in the school.

*Sd/-
Ashok Agarwal
Advocate
Counsel for the petitioner*

*New Delhi
08 April 2024”*



3. The Secretary, (Education), GNCTD who has also personally visited the schools in the said area confirms the facts stated in the said report.
4. He assures and undertakes to this Court that he will take steps to drastically improve the situation in a time bound manner. He further assures and undertakes to this Court that books, notebooks as well as writing material and furniture shall be provided to all the students in a time bound manner. He clarifies that there is no shortage of funds.
5. Let a detailed affidavit in response to the report handed over by Mr.Ashok Agarwal, Advocate be filed by the Secretary (Education), GNCTD within a week. The Secretary (Education), GNCTD shall also fix responsibility on the officials who have been remiss in performing their duties.
6. The Secretary (Education), GNCTD is permitted to join the proceedings by way of an online audio-video link on the next date of hearing.
7. List the present matter along with *W.P.(C) 14964/2023* on 23rd April, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 8, 2024
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