



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
KOHIMA BENCH

Case No. : PIL/1/2021

MR. CHINGAI NYAMTO WANGSHA AND ANR
R/O MON TOWN, MON DISTRICT, NAGALAND

2: DR. LEMWANG CHUWANGLIM
R/O MON TOWN
MON DISTRICT
NAGALAN

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF EDUCATION
AND LITERACY, GOVT. OF INDIA, C WING, SHASTRI BHAWAN, DR.
RAJENDRA PRASAD ROAD, NEW DELHI - 110001

2:THE STATE OF NAGALAND
REPRESENTED BY THE CHIEF SECRETARY
CIVIL SECRETARIAT
KOHIMA - 797004

3:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF SCHOOL EDUCATION
CIVIL SECRETARIAT
KOHIMA - 797001
NAGALAND

4:THE PRINCIPAL DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION
DIRECTORATE OF SCHOOL EDUCATION
NAGALAND
KOHIMA - 797001

5:THE DISTRICT EDUCATION OFFICER

MON DISTRICT - 798621
NAGALAND

6:THE STATE MISSION DIRECTOR
SAMAGRA SHIKSHA
NAGALAND

Advocate for the Petitioner : NEITEO KOZA, MHASI PHINYO,KIKRU PFUKHA

Advocate for the Respondent : CGSC (R-1),

BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA
HON'BLE MR. JUSTICE BUDI HABUNG

JUDGMENT & ORDER (ORAL)

Date : 23-10-2024
(K. Sema, J)

Heard Ms. Neiteo Koza, learned counsel for the petitioners and Ms. V. Suokhrie, learned Addl. Advocate General for the State respondents.

The present writ petition (PIL) was filed seeking for the following relief;

“PRAYERS

In view of the premises stated above, it is therefore, prayed that Yours Lordships may graciously be pleased:-

- a. To admit this writ petition and issue rule Nisi;*
- b. To issue a writ in the nature of Mandamus to any other appropriate writ(s) order(s) thereby directing the Respondents to appoint Science and Mathematics Teachers at Government Middle School Mon Town-D.*
- c. Direct the Respondent to appoint Hindi and qualified Mathematics Teachers at GMS Mon Town-A.*
- d. Direct the Respondents to appoint a Sweeper and Chowkidar at GMS Mon Town-A.*
- e. Direct the Respondents to renovate the existing building of GMS Mon Town A.*

- f. Direct the respondents to renovate the existing building of the GMS Mon Town-D.*
- g. Direct the Respondents to construct new building or additional classrooms for GMS Mon Town-A and GMS Mon Town-D.*
- h. Direct the Respondents to construct boundary fencing for GMS Mon Town-D and GMS Mon Town-A.*
- i. Direct the Respondents to construct Library for GMS Mon Town-A and GMS Mon Town-D.*
- j. Direct the respondents to provide hostel facilities for out-stationed students (students coming from remote villages) in order to prevent the children from working as domestic helpers in strangers' house.*
- k. Direct the Respondents to provide clean drinking water facilities for the Students at GMSs Mon Town D and A.*
- l. Direct the Respondents to provide adequate water facilities in GMSs Mon Town D and A.*
- m. Direct the Respondents to provide Information and Communication Course at GMSs Mon Town D and A.*
- n. Direct the Respondents to provide Computers at GMS Mon Town-A for execution of administrative works for the teachers.*
- o. Any other appropriate Order (s) as this Hon'ble Court deem fit and proper in the interest of justice."*

Subsequent to the filing of the writ petition, the Government of Nagaland i.e. the Commissioner & Secretary, School Education Department, Nagaland, Kohima has filed the affidavit dated 15/05/2024. The paragraph-3 & 4 of the said affidavit is reproduced herein below;

"3.That the deponent states that the amount which have been received by Samagra Shiksha Abhiyan from Central Government which has been utilized in so far as the two schools, i.e. GMS Mon Town A & GMS Mon Town D is as furnished by Samagra Shiksha Abhiyaan. The data is for the period 2002-2003

till 2023-24 since the inception of Sarva Shiksha Abhiyan (SSA) and Rashtriya Madhyamik Shiksha Abhiyan (RMSA) till date under Samagra Shiksha. The data reflects the various activities from Civil Works, Information and Communication Technology (ICT) Class rooms, Self- defense training, installation of sanitary pad vending machines, library, exposure trips, provision of desk & benches, Desktop Computers/peripherals, school grants, Uniforms, text books for both the schools. The amount received from Government of India under Samagra Shiksha and utilized for Mon district as a whole during the year 2020-2021 to 2023-2024 (for both Elementary & Secondary Education) is also annexed. The benefit out of the expenditure in Mon district for the various activities would also accrue to the two schools, i.e. GMS Mon Town A & GMS Mon Town D.

Annexure-2 is the fund received from the Government of India and utilized for e said 2(two) schools and Annexure-3 is the fund received from the Government of India and utilized for Mon District.

4 That the deponent begs to state that as far as practicable the appointments of the teaching staff in the two schools, i.e. GMS Mon Town A & GMS Mon Town D were done in terms of the Schedule to the RTE Act of 2009. The details of the nature of appointment of the teaching staff in GMS Mon Town A & GMS Mon Town D along with the educational qualifications and professional qualifications as mandated under the provision of RTE Act are annexed herein. The information of the salary for those Teachers in the 2 (two) Schools are also furnished herein.”

Ms. Neiteo Koza, learned counsel for the petitioners submits that pursuant to the affidavit filed by the State respondents, the petitioners have conducted physical verification on the annexures submitted by the State respondents in their affidavit and is satisfied that the statement made in the affidavit more particularly in the paragraph- 3 & 4 substantially answers to the prayer made by the petitioner in the writ petition. Ms. Neiteo Koza, learned counsel for the petitioners has however raised a concern on the absence of the Science Teacher at GMS Mon Town A and submits that unless qualified and efficient Science Teacher is provided for the school it will adversely affect the academic career of the students of the school.

Ms. V. Suokhrie, learned Addl. Advocate General on concern raised by the learned counsel for the petitioner submits that the Government is rationalising the teachers and immediately on completion of the rationalization of teacher, the Science Teacher will be posted at the GMS Mon Town A.

In view of the submission made by the learned counsel for the parties and on perusal of the pleadings, we are satisfied that the State respondents have substantially complied to the prayer made by the petitioners in the writ petition (PIL) and We therefore, deemed it appropriate to close the writ petition.

We accordingly disposed the writ petition with a direction to the State respondents to immediately appoint qualified Science Teacher(s) at GMS Mon Town A on rationalisation of the teachers by the School Education department.

Sd/-
JUDGE

Sd/-
JUDGE

Comparing Assistant