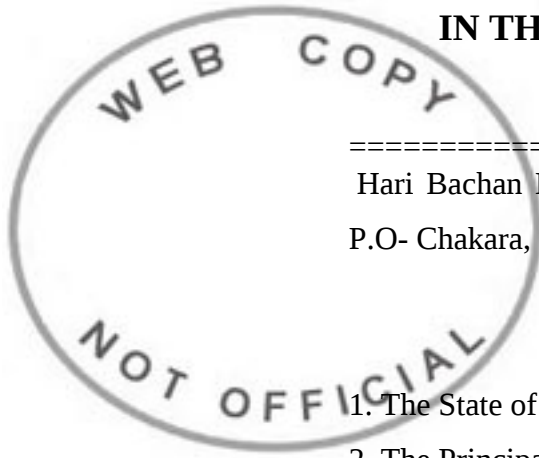




IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10496 of 2014

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Hari Bachan Bhagat Son of Late Ramnath Bhagat Resident of Village Chakara,
P.O- Chakara, Police Station- Siwan Muffassil, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary old Secretariat, Patna.
2. The Principal Secretary Education Department, Government of Bihar.
3. The Director, Primary Education Government Bihar, New Secretariat, Patna.
4. The District Education Officer, Siwan.
5. The District Programme Officer, (Establishment of Education Department),
Siwan.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh

For the Respondent/s : Mr. Ashok Kumar Choudhary, AAG 13

Mr. Avanindra Kumar Jha, AC to AAG 13

For NCTE : Mr. S N Pathak

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-02-2015

The petitioner claims to be a public-spirited citizen. He filed this writ petition by way of public interest litigation with a prayer to direct the respondents herein to fulfill their obligation under Section 25 of the Right of Children to Free and Compulsory Education Act, 2009 and in particular to maintain the pupil-teacher ratio in accordance with the Rules framed under the Act.

The petitioner states that in several institutions in Siwan district of the State of Bihar, pupil-teacher ratio is not being maintained, and thereby the provisions of the Right of Children to Free and Compulsory Education Act are being violated.

The respondents have filed detailed counter affidavit denying the allegation. They submit that wherever any dearth or shortage of teachers is noticed, steps have been taken to fill the vacancies. Necessary particulars are also annexed.

Heard Sri Bipin Bihari Singh, learned counsel for the petitioner and Sri Ashok Kumar Choudhary, learned AAG 13 for the State.

The mandate under the Act, is typical. If one closely looks at the entire issue, some peculiarity is noticed. If the concern of the Central Government was that adequate number of schools are not existing or qualified teachers are not being appointed, nothing prevented them from utilizing the phenomenal amount collected towards education cess and undertaking large scale appointment of teachers or establishment of schools. It appears that the Government wanted to wash off its hands by enacting a law. The experience has shown that the only beneficiaries of the enactment are certain Non-Government Organizations and the individuals who have adequate spare time at their disposal that have kept the courts and other agencies busy.

Except making some vague and general complaints and allegations, the petitioner did not indicate any specific instance of pupil-teacher ratio not being maintained in any institution. Be that as it may, in view of the assertions made by the respondents we are convinced that the cause of action does not survive in the writ



petition.

The writ petition is accordingly closed.

There shall be no order as to costs.

Interlocutory Application, if any, shall stand disposed

of.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

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