

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11210 of 2015

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Nagendra Sharma, Son of Sri Bameshwar Sharma, resident of vill + Post - Main,
P.S. - Main, District - Gaya.

.... Petitioner

Versus

1. The Union of India through the Secretary of HRD, New Delhi.
2. The State of Bihar through the Chief Secretary, Patna Bihar.
3. The Principal Secretary HRD, Patna (Bihar).
4. The Director, Primary Education, Bihar, Patna.

.... Respondents

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Appearance:

For the Petitioner/s : None.
For the Respondent/s : Mr. Anjani Kumar, AAG-4.
Mr. Brajesh Kumar, AC to AAG-4.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 21-11-2016

The petitioner in the present writ application filed in the public interest has sought a writ of mandamus commanding the respondents not to assign the teachers of primary and middle school for performing non-teaching works, particularly preparation of electoral lists/revision of electoral list, census list and mid-day meal programme and further commanding the respondents to establish a library in each government schools of State of Bihar.

In a counter affidavit filed on behalf of Respondent No. 3, the State has referred to Section 27 of the Right of Children to Free and Compulsory Education Act, 2009, which reads as under”

“No teacher shall be deployed for any non-educational purposes other than the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislature or Parliament, as the case may be.”

In view of the said fact, it is asserted that teachers of primary and middle school can be assigned duties for preparation of the decennial population census, disaster relief duties or duties relating to elections to the local authority or the State Legislature or Parliament. Thus, the teachers of primary school and middle school cannot be assigned duties for preparation of mid-day meal and other non-educational purposes.

The respondent-State shall comply with the mandate of the Section 27 and also not engage the teachers of primary and middle school in the process of preparation of mid-day meal.

However, in respect of setting up of a library in the government schools, the funds stand allocated to each and every district of the State under the library head for purchase of books in upper primary middle school by the Bihar State Education Project Council. The setting up of library depends upon financial capacity of the State. The State is conscious of the requirement of setting up of libraries. Thus, no orders are required to be called for in respect of such prayer.

The writ application stands disposed of, accordingly.

(Hemant Gupta, ACJ)

Mishra/-

(Vikash Jain, J)

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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