

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4019 of 2016

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Ganesh Prasad, Son of Sri Jailal Prasad, Chairman of Gram Satyagrah Sangathan,
Resident of village - Kankatti, P.S. Mehshi, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Human Resource Development Department,
Government of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The Director, Research and Training, Education Department, Government of
Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Advocate
Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Ajay, G.A.-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-04-2017

Petitioner, a public spirited person, has filed this writ petition bringing to the notice of this Court certain cause in public interest which is genuine in nature and which has to be addressed. However, the magnitude of the problem and the averments made by the respondents, particularly Respondent No. 3 in the counter affidavit, indicates that the State has also realized the problem pointed out by the petitioner and is taking action in a phased manner to address the problems which is canvassed by the petitioner.

2. The grievance of the petitioner primarily is that after



coming into force the Right to Education Act, 2006 and after its implementation based on the recommendations made by the Mukchund Dubey Committee, proper action for upgrading the infrastructural facilities in the Government schools in the State of Bihar and various other provisions under the Right to Education Act are not being implemented in its letter and spirit and the fundamental rights available to children particularly in the age group 6 to 14 have not been taken care of.

3. On notice being issued, State Government has filed detailed reply and from paragraph 6 onwards the State Government goes to indicate that in a phased manner attention has been focused by the State Government with regard to working of the Education Department and steps are being taken for improving the infrastructure in the school, setting up of new schools, constructing of school buildings, providing facilities for drinking water, toilets etc. and also to take steps for encouraging and directing students in the age group 6 to 14 to join school and start studying. Various steps in the matter of providing Mid Day Meal, free distribution of text book, other kits necessary for the children are also being undertaken and to comply with the requirement of Right to Education Act, trained teachers (T.E.T.) are being appointed.

4. In sum and substance, the reply of the State



Government is that they are looking into the matter and in a phased manner it will ensure that all steps are taken to bring the schools in the State in conformity with the requirement of Right to Education Act. It is indicated in the return that in the State of Bihar there are 70,813 educational Government Elementary Schools and as per the *prima facie* assessment of the State Government, in 63,752 schools basic amenities are available and 7,061 schools are running without their own building, which has to be addressed.

5. Taking note of the magnitude of the problem and the fact that the State Government is making indeavour to address the issues, for the present, we deem it appropriate to issue the following directions to the State Government:-

6. For speeding up the steps already taken by them and to ensure that the requirement of law, particularly, the Right to Education Act is implemented in its letter and spirit and within a period of time the action is taken. For doing so, we direct the Chief Secretary of the State of Bihar to constitute a Committee to monitor the phased manner implementation being done by the authorities of the department, to issue necessary directions to the concerned authorities to take up the issue for implementing the same under the supervision and direction of the Committee to be constituted. The Committee shall bring to the notice of the Chief Secretary the action



to be taken and ensure that within a time frame that may be determined by the Committee so appointed the authorities implement the requirement under the Right to Education Act in a phased manner. The Chief Secretary shall submit a report to the Registrar General of this Court with regard to initial action taken by him within a period of three months and thereafter keep on informing the further action taken within six months thereafter. In case the petitioner has any grievance with regard to implementation of this order by the Chief Secretary or any other authority, liberty shall be available to the petitioner to point out the same to this Court and seek for appropriate directions and issuing corrective measures.

7. With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	28.04.2017
Transmission Date	

