

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CWP No. 26213 of 2015(O&M)

Date of decision : 20.03.2017

H.C.Arora

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Petitioner in person.

**Ms. Amarjit Kaur Khurana, Addl.AG, Punjab
for respondents no.1 to 3.**

**Mr. Arun Gosain, Advocate
for respondent no.4.**

S.S.Saron, J.

The petitioner H.C. Arora filed the present petition under Article 226 of the Constitution of India seeking directions for directing the respondents to immediately release the amount/grant to various Government Schools so as to provide free of cost uniform to students of Class 1st to 8th .

According to the petitioner, the winter season had set in and the students belonging to Below Poverty Line ('BPL' - for short) section of the society as also students from the members of the Scheduled Castes and girl students for whom a provision for free uniforms had been made were not supplied the uniform. A reference has been made to letter dated 07.12.2015 (Annexure P-4) issued by the Director General School Education-cum-State Project Director-Sarv Shiksha Abhiyan Authority (Punjab) (respondent no.3),

whereby the grant calculated at the rate of Rs.100/- per student for complete uniform i.e. sweater, cap or 'patka' (small turban), shirt, trousers for boys and salwar kameez and duppata for girls, including stitching charges, had been issued, which according to the petitioner was highly impracticable for a complete uniform; besides, as per norms the grant is sanctioned/calculated at the rate of Rs.400/- per student for such winter uniform and only Rs. 100/- had been released.

Notice of motion was issued on 17.12.2015.

A reply by way of counter affidavit of Sh. Pradeep Kumar Aggarwal, Director General School Education-cum-State Project Director-Sarv Shiksha Abhiyan Authority (Punjab) on behalf of respondents no.1 to 3 has been filed. It is *inter alia* stated in the said reply on behalf of respondents No.1 to 3 that the Ministry of Human Resources and Development (MHRD), Government of India, issued guidelines for implementation of various activities through interventions. The MHRD had issued a manual/frame work for implementation of the same. Serial no. 9 of Appendix-1 of framework for implementation issued under the wings of Sarv Shiksha Abhiyan had made provisions for uniforms. As per the norms, uniforms are to be provided to students from Class 1st to Class 8th. After receiving funds, the same were released to the respective District Education Officers. They were clearly instructed to use the funds at School Management Committee (SMC) level. The distribution made to various schools has been given district wise in terms of memo dated 07.12.2015. (Annexure R-1).

An additional affidavit of Sh. Gurjit Singh, Additional State Project Director-Sarv Shiksha Abhiyan Authority, Punjab in continuation of the affidavit dated 21.12.2015 has also been filed. It is stated that in the

earlier affidavit it was deposed that funds to the tune of Rs. 1646.462 lacs for uniform of students from 1st to 8th class in all the districts in the State of Punjab had been released as first installment. The department of School Education requested the Ministry of Human Resources and Development (respondent no.4) to release the next installment immediately. An amount of Rs. 8923.00 lacs was released by the Ministry of Human Resources and Development, Government of India, New Delhi to Government of Punjab on 29.12.2015 for various activities. The department of Finance released an amount of Rs. 3993.32 lacs to the Director General School Education-cum-State Project Director-Sarv Shiksha Abhiyan Authority, Punjab (respondent no.3). Out of the said amount, an amount of Rs. 3292.24 lacs had already been released on 04.02.2016 at the rate of Rs. 400/- per student for 823231 students in all Districts of Punjab. The letter dated 04.02.2016 (Annexure R-5) in this regard has been placed on record. The Department of Finance, Punjab further released Rs. 4929.95 lacs. On receipt of the same, remaining amount of Rs. 1646.462 lacs had also been released on 02.03.2016 at the rate of Rs. 400 per student for the remaining 4,11,616 students. Copy of the letter dated 02.03.2016 (Annexure R-6) in this regard has been placed on record.

Short reply by way of an affidavit of Sh.Alok Jawahar, Under Secretary to Government of India, Ministry of Human Resources Development, Department of School Education and Literacy, New Delhi has been filed. It is stated in the said reply of the Government of India that the Sarv Shiksha Abhiyan (SSA) is implemented as a Centrally sponsored scheme in partnership with the State Governments for universalizing elementary education across the country and it has been in operation since 2000-01. The over all goal of the SSA include universal access and retention, bringing of

gender and social category gaps in education and enhancement of learning levels of children. It is stated that after the enactment of the Right of Children to Free and Compulsory Education Act, 2009 ('RTE Act' - for short), the SSA framework for implementation had been revised in conformity with the specified norms and provisions of the RTE Act. For implementation of SSA, the Central Government assists the States/Union Territories and releases central share of funds based on the approved Annual Work Plan and Budget of the respective State/Union Territory as per the prescribed fund sharing pattern between the Central and State Governments, which was in the ratio of 65:35 (except in case of NER States where the ratio is 90:10) since 2010-11, which has been revised to 60:40 from 2015-16. The Central and State Governments have the concurrent responsibilities for providing funds for implementation of SSA-RTE programmes. The RTE Act, it is submitted, mandates free and compulsory education for all children in Government schools. Uniforms, it is stated, constitute an expense which poor families are often not able to afford. Thus, it becomes a barrier for many children to pursue and complete elementary education. Thus there is a provision as per financial norms of SSA, for two sets of uniform for all girls and children belonging to SC/ST/BPL families in Government schools within a ceiling capacity of Rs.400/- per child per annum. It is stated that the Government of India has released the funds to the State Government of Punjab/Sarv Shiksha Abhiyan Authority, Punjab for implementation of Sarv Shiksha Abhiyan in Punjab during the last 5 years and the current year. The details of the amounts released year wise have been mentioned. An amount of Rs. 10,288.20 lacs has been released as second installment during 2015-16 to the Government of Punjab under the Sarv Shiksha Abhiyan Authority vide sanction dated 29.12.2015.

In view of the said replies, it is submitted by learned counsel for the petitioner that the present petition has been rendered infructuous.

Accordingly, the writ petition is dismissed as having been infructuous.

(S.S.SARON)
JUDGE

March 20, 2017
s.khan

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No