

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14336 of 2016

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Anju Mishra, Advocate, Patna High Court, null resident of- Mahaveer Colony, Anisabad, Beur, Patna.

... .. Petitioner/s

Versus

1. The Union of India through Minister, Government of India, New Delhi.
2. The Human Resources Development Ministry, Government of India, New Delhi.
3. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
4. The Director of Human Resources Development, Government of Bihar, Patna.
5. The Union of India through its Secretary, Ministry of Human Resources Development, Government of India.
6. Central Board of Secondary Education (CBSE) New Delhi.
7. CISCE(Council for the Indian School Certificate Examinations), having its Head office at P 35-36, Sector VI, Pushp vihar Saket, New Delhi 110017

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Anju Mishra (In Person)
For the Respondent/s	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Amresh Kumar Sinha, Advocate
		Ms. Preety Kunwar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-09-2018

By this Public Interest Litigation, the petitioner, who is appearing in person, has prayed for following reliefs:

(a) A writ of mandamus or any other appropriate writ, order or direction commanding the respondents to make provision for setting the timing of the private schools from 10 am to 4 pm, with immediate effect.



(b) A writ of mandamus or any other appropriate writ, order or direction commanding the respondents to strictly see to it that sufficient number of buses are there in the private / public schools running all cross the country and the State of Bihar to cater to the needs of the senior, junior and preparatory level students, so that the preparatory and junior students with less number of hours in school don't have to reach school an hour early and wait for more than an hour or so for the senior classes to be over before they can board school buses to get back home.

(c) A writ of mandamus or any other appropriate writ, order or direction commanding the respondents to see to it that the directions given by the Apex Court in regard to the School buses be strictly executed and the defaulter be penalized.

(d) A writ of mandamus or any other appropriate writ, order or direction commanding the respondents to strictly direct these



private/public schools to roll back the practice of giving home works till standard 8 at least.

The case of the petitioner is that as timing of the private schools are from 07.30 a.m. to 08.00 a.m., the children have to get up at the early morning and, therefore, the sleep of the younger students is being disturbed and ultimately it affects their health. It is also the case of the petitioner that because of that the students resultantly feel drowsiness and sleepy in the bus as well as the school, which ultimately affects their health.

Therefore, it is the case of the petitioner that the timing of the schools/private schools shall be from 10.00 a.m. to 04.00 p.m.

It is also the case of the petitioner that because of the homework being given, it affects the childhood.

The petitioner has relied upon the report of the World Health Organisation “WHO Technical Meeting on Sleep and Health” in support of the above.

A counter affidavit is filed on behalf of the Respondent Nos. 4 and 7 – the Government of Bihar, Patna as well as the Council for the Indian School Certificate Examinations, New Delhi, opposing the present petition.



It is pointed out that Rules of Affiliation have been framed keeping in mind the physical-cum-mental and emotional interests of the children, so that they get adequate rest, sleep and leisure in between their studies. It is submitted that, however, the schools are free to decide upon the details, such as time, attendance etc. within the broader framework of the Rules framed by the Council.

It is submitted that the schools regulate their own business like, admission, promotion and other curriculum activities in consonance with the Rules of the Council and Law. It is submitted that they are independent institutions and they can frame their own Rules for their guidance. It is further submitted that even the academic hours are also to be fixed as per the General Rule No. 2. It is submitted that even for the homework, General Rule No. 9 provides for regulation of the homework.

Having heard learned counsel for the parties and considering the averments and the allegations levelled in the present writ petition and the reliefs, which are sought for, we are of the opinion that the petitioner is not entitled to any relief as prayed in the petition and that too in exercise of the power conferred under Article 226 of the Constitution of India. Apart from the fact that allegations and the averments are too vague and



general, it appears that the affiliation is granted as per the Rules, for which adequate guidelines have been issued, including the academic hours etc. General guidelines have been issued and every institution is required to follow the same. Now, however, so far as the school timings are concerned, it is for the concerned private schools/schools to fix their own timings.

For the aforesaid reason, writ can not be issued under Article 226 of the Constitution of India for directing the schools to change their school timings.

As observed above, the issues raised in the present writ petition are too vague and general.

In view of the aforesaid facts and circumstances, the petitioner is not entitled to any relief as prayed for in the present writ petition under Article 226 of the Constitution of India.

Under the circumstances, the present writ application deserves to be dismissed and is accordingly dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	13.09.2018
Transmission Date	

