

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14228 of 2023

1. Social Jurist A Civil Rights Group through Advocate Ashok Agarwal.
2. Ashok Agarwal S/o Late C.P. Agarwal, R/o Agarwal Bhawan, G.T. Road, Tis Hazari, Civil Lines, Delhi, 110054, at present Advisor of the petitioner organisation and one of the member of the team.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
4. The District Education Officer, East Champaran, Motihari.
5. The District Education Officer, West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate
For the Respondent/s	:	Mr.P.K. Shahi, AG
		Mr. Vikas Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJIV ROY)

7 19-01-2024 The present Public Interest Litigation has been preferred for a direction upon the State Government to implement the provisions of Right of Children to Free and Compulsory Education, Act 2009.

2. The petitioner claims himself to be heading a Civil Right Group of Lawyers and Social Activists dedicated to the common cause particularly for imparting education to the children. According to him, the Advocates attached to his group



visited several schools in the district of East Champaran and West Champaran and found the conditions to be bad. Accordingly, a report was also prepared which has been made part of the writ petition.

3. A counter affidavit has been filed on behalf of the respondent no. 3 duly signed by the Deputy Director, Primary Education. As per it, the Department sought report from the District Education Officers of the two districts and according to them, contrary to the reports made, the conditions of the schools are good.

4. This Court would like to incorporate at least one report relating to one of the school situated in the district West Champaran, Bihar i.e. the Government Secondary Higher School, Ahirauliya under block Bagaha-1 in the said district. The report read as follows:-

“(i) total number of students: 186;

(ii) there are six teachers posted;

(iii) there are 7 rooms available;

(iv) Classrooms are in good condition;

(v) there are 60 sets of Bench and Desk counts;

(vi) there is one hand pump in the campus;



(vii) there are three toilets available which are clean and in good condition;

(viii) the blackboard is in good condition and is available in every classroom;

(ix) there are 10 fans in the school;

(x) there are sufficient number of books available in the library;

(xi) the school has a kitchen shed for Mid-Day Meal. However, the meal is made available through NGO”.

5. Further, as per the affidavit, the Department always take steps to streamline the overall educational environment of the School and is alive to the requirement of children belonging to the weaker sections and disadvantageous groups being given proper education.

6. The counter affidavit further states that to streamline the School education in the State, the Government is monitoring all the schools at every level from 1st of July, 2023 with respect to infrastructure facilities, mid-day meal scheme vide letter no. 166 dated 23.06.2023 issued by the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.

7. We are satisfied with the averments made in the



counter affidavit. The Government is taking all steps to update the primary level education in the State of Bihar. We also take note of the fact that the Government is taking further steps to monitor each and every schools in the State of Bihar regularly by seeking report from the District Education Officers posted in the districts. The petitioner has come forward with his own report on the basis of which he is seeking direction which cannot be entertained.

8. The writ petition is misconceived and is accordingly dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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