

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14173 of 2023

Based on the news dt. 28 Sept 2023 published on the website of India Today

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Addl. Chief Secretary, Dept. of Education, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s :
For the Respondent/s : Mr.P.K. Shahi (AG)
Mr. Amish Kumar, AC to AG
Mr. Sanjiv Kumar, AC to AG
Mr. Vipin Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-03-2024

The above writ petition was *suo motu* registered based on an article that appeared in 'The Times of India' newspaper, which found five schools were operated in the same building of one Kanya Madhya Vidyalaya, Karbigahiya. This Court was concerned with the lack of infrastructure for schools which was also addressed in



CWJC No. 4281 of 2019, disposed of on 28.08.2023 recording the submissions in the counter affidavit filed therein, wherein the Government had agreed and undertook to take positive steps to realize the goal of spread of education in the entire State.

2. A counter affidavit has been filed by the State and it is stated that there were five separate schools in which a total number of 368 students were studying. In many of such schools, the teacher-student ratio was also more than that required. There was also considerable expenditure for providing facilities to the separate schools including the Mid-Day Meal. It was hence the Education Department by order dated 17.10.2023 merged the four schools having no building of their own with that of Kanya Madhya Vidyalaya, Karbigahiya. The District Education Officer was also directed to take appropriate steps and an amount of Rs. 12,12,200/- estimated for the renovation of the Kanya Madhya Vidyalaya was sanctioned. The renovation work from the fund allotted under the Pradhan Mantri Khanij Kshetra Kalyan Yojana was also directed. A report of the District Education Officer dated 24.10.2023 is filed



hereinabove wherein it is stated that-

- (i) The school in question has three rooms at the ground level and three rooms at first floor.
- (ii) The iron shed covering the first floor rooms, has been replaced by roof casting.
- (iii) The staircase has been covered with railing, for the safety of the children.
- (iv) The submersible pump situated in the school in question has been repaired which solves the problem of drinking water.
- (v) One dilapidated building situated in the premises of the school in question is being demolished and work with respect to leveling of the vacant land for playground and construction of the approach road are in progress.
- (vi) The estimate for renovation of the school in question to the tune of Rs. 12,12,000/- has been approved and request has been made for starting the renovation work from the fund available in Pradhan Mantri Khanij Kshetra



Kalyan Yojana (PMKKKY).

(vii) The other schools have been merged in the school in question and the same is now known as 'Government Middle School, Karbigahiya.

(viii) The deputation of teachers, excess to the student-teacher proportion, in other schools is under progress.

3. It is submitted that the aforesaid step of merger of schools was taken to rationalize the infrastructure, provide adequate teacher-student ratio and the department is taking such steps all over the State.

4. It is also stated that the Education Department has commenced monitoring of all schools at every level from 01.07.2023. The department has provided necessary infrastructure for the purpose of inspection of the schools by the Government officers and a Model Inspection Report has also been framed. The District Magistrates of the State have been directed to ensure proper steps with respect to expenditure of amounts sanctioned and lying with the School Education Committee and School Managing



Committee who are constituted respectively for the Primary Schools and the Middle Schools. It was found that there were huge amounts lying idle with the Principals of Secondary Schools which were directed to be utilized as per the relaxation of restriction, issued by communication dated 23.06.2023.

5. The Education Department is also giving stress on computer education by providing necessary infrastructure wherever it is possible and an action plan after consultation with the SCERT and Bihar Education Project Council and Directorate of Research and Training has been issued titled '*Samagra Shiksha Abhiyan*'. The action plan envisages construction of toilets in Primary School, enabling inspection of schools, establishment of Call Centers, implementation of ICT Scheme, establishment of independent network under e-SWAN for Secondary Schools and Training through SCERT.

6. As far as cleaning of the toilets in the school, a decision has been taken on 16.08.2023 to outsource the same. By communication dated 25.08.2023, installation of computers has been directed which the District Education



Officers are to comply with by sourcing it from the empaneled vendors. An amount of Rs. 50 crores is sanctioned on 29.08.2023 for purchasing furniture in the Middle Schools of the State of Bihar in the Financial Year 2023-24.

7. It is stated that the proactive action taken by the Education Department has increased the attendance of the students substantially in the schools. The Principal of the schools have been authorized to expend Rs. 5 lacs to build prefabricated structures. A chart showing the status of work of prefabricated structures, establishment of ICT Lab, schools wherein housekeeping has been commenced, hiring of outsourced teachers and installation of Aadhar Machine as also status of auction of scrap in the 38 districts of Bihar is produced as Annexure-R-2/O.

8. The Education Department has also released an amount of Rs. 82,26,02,000/- for construction of 278 buildings at the rate of Rs. 29,59,000/- per school. Another amount of Rs. 15,96,00,000/- have been released by order dated 11.10.2023 for construction of boundary walls of the Primary Schools. The State Government has also taken a



policy decision for appointment of school teachers in the Primary, Middle, Secondary, Senior Secondary and upgraded Senior Secondary and newly established Senior Secondary Schools and framed new rules for the said purpose.

9. On the basis of the monitoring done on 30.10.2023, the following facts are placed on record:-

- (i) During inspection, it has been found out that there are approximately Rs. 1150 crore lying unspent in the Development fund of the different schools, the use of which has been rationalized by relaxing the provisions.
- (ii) The presence of the teacher as well as students have increased remarkably.
- (iii) The presence of non-teaching staff in different schools has come to full.
- (iv) The functioning of the Mid-day Meal scheme has shown improvement in these days.
- (v) The department has analyzed the report related with the infrastructural facility available in the different schools and has taken various



decision, as stated above to address the deficiency in it.

(vi) There is a marked improvement in the educational environment in the schools due to the aforesaid decisions.

10. By communication dated 05.10.2023, another amount of Rs. 62.30 crores have been sanctioned in the Financial Year 2023-24 for completion of construction of incomplete rooms, renovation of dilapidated rooms and erection of prefabricated structures for additional sitting capacity in Primary and Middle Schools. A report on the ongoing improvement of infrastructure is also produced as Annexure R-2/T.

11. As far as the Mid-Day Meal Scheme, earlier 60 per cent of the schools used LPG, while now it is used in about 95 per cent of the schools for preparation of food. A total of 16,455 cooks have been appointed in the last three months.

12. Having considered the statements and the reports filed, we are of the opinion that the *suo motu* initiation of litigation has served its purpose. We only



express our ardent hope that the sanctioned amounts would be spent constructively and the financial support for the infrastructure of the schools would be continued in the coming years. We record each and every submission made by the State in its counter-affidavit as an undertaking made before this Court.

13. The writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	18.04.2024
Transmission Date	

