

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**MCC No.240 of 2017
in
Writ Petition (PIL) No.201 of 2014**

Deepak Rana S/o Late Jagat Singh Ranta
..... Petitioner
Versus

State of Uttarakhand and others
.....Respondents

Mr. Pankaj Miglani, Advocate with Mr. Pooran Singh Rawat, Amicus Curiae, for the petitioner.
Mr. Pankaj Purohit, Dy. Advocate General present for the State.

Coram : **Hon'ble Rajiv Sharma, J.**
 Hon'ble Alok Singh, J.

Hon'ble Rajiv Sharma, J. (Oral)

Heard on the Misc. Application No.240 of 2017 moved by the applicant (Lalit Miglani).

2. Vide judgment dated 19.11.2016, the following mandatory directions have been issued to the State Government:-

- i. To provide all the schools with Benches, desks, blackboards (with chalk and duster), computers, well stack library and well equipped science laboratory within three months.
- ii. The State Government is directed to construct hygienic toilets for Boys and Girls separately. The head of the institution shall be personally responsible to maintain hygiene of toilets.
- iii. The State Government is directed to provide two sets of uniform to all the students of Government Schools as well as Aided-Schools twice in a year.

- iv. The State Government is directed to provide mid-day meals to all the students upto secondary level.
- v. The State Government is also directed to ensure that all the school buildings should be well-lit and duly ventilated.
- vi. The State Government is directed to provide sufficient number of Water Purifiers as per the strength of the students in all the schools for drinking water.
- vii. In winter closing schools, all the schools should keep adequate number of heaters and the building should be kept warm. In summer closing schools, the sufficient number of ceiling fans should be provided.
- viii. The State Government is directed to increase the grant for duly recognized and affiliated Madaras to at least Rs.20,000/- per annum under Sarv Shiksha Abhiyan.
- ix. All the students belonging to SC & ST and BPL categories shall be paid suitable stipend.
- x. All the Primary Schools, Upper Primary Schools and Secondary Schools shall ensure the implementation of the provisions of the Right of Children to Free and Compulsory Education Act, 2009 in letter and spirit.

3. The Secretary, Education to the State of Uttarakhand was held personally responsible to comply with the directions.

4. However, till date the judgment has not been implemented.

5. It is in these circumstances the Secretary (Education), State of Uttarakhand was summoned in this Court. The only explanation offered by the Secretary to the Court is that the matter was taken up with the Finance Department of the State on 14.3.2017, but, till date, no response has been received from the Department of Finance.

6. It reflects a very sorry state of affairs. The peremptory directions were issued by the Court on 19.11.2016, to arrest the falling standards of education in the State of Uttarakhand and to provide at least bare minimum infrastructure and wherewithal in Government run schools.

7. The State must give top most priority to the education. A startling revelation has been made by the Secretary Education, during the interaction session, that no budget has been provided as per the Proposal dated 14.03.2017.

8. In view of this, we have been left with no alternative but to call the Secretary (Finance), State of Uttarakhand, for his views in the matter towards implementation of the judgment dated 19.11.2016.

9. Accordingly, the Secretary (Finance) as well the Secretary (Education), State of Uttarakhand, are directed to remain present in person before the Court tomorrow i.e. on 23.06.2017 at 3.30 p.m.

10. Since, the State Government miserably failed to provide minimum bare facilities in schools inter alia benches, desks, blackboards, hygienic separate toilets for boys and girls, Water Purifiers and ceiling fans, the

State Government is restrained from buying luxurious Cars, Furniture and Air Conditioners etc. till further orders of this Court.

11. Registry is directed to reflect the name of Mr. Pankaj Miglani, Advocate, appearing for the petitioner henceforth.

(Alok Singh, J.) (Rajiv Sharma, J.)
22.06.2017

JKJ