

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

PIL No. 45 of 2016

Shri Rajkumar Premjit Singh, aged about 54 years, S/o (L) R.K. Ranbir Singh, resident of Keishamthong Longjam leirak, P.O. & P.S. Imphal and District Imphal West, Manipur.

..... *Petitioner*

- Versus -

1. The State of Manipur, through the Commissioner (Education/S), Government of Manipur, Imphal, Manipur.
2. The Director, Education (Schools) Government of Manipur, Imphal, Manipur.
3. The Union of India, represented by the Secretary to the Ministry of Human Resource Development, Govt. of India, New Delhi.

.... *Respondents*

For the Petitioner	:	Mr. Kh. Tarunkumar, Advocate Ms. Bisheshwori, Amicus Curiae
For the Respondents	:	Mr. N. Kumarjit, Advocate General Mr. S. Suresh, ASG Mr. A. Rommel, Advocate

**With
PIL No. 46 of 2017**

1. Miss Dr. Solemwon Ramsan, aged about 31 years, D/o Daniel Ramsan, resident of Sirarakhong village, P.O. – Sirarakhong, P.S.- Somdal, Ukhrul District, Manipur, by occupation the Secretary of Justice Foundation (V.S.) Trust.
2. Shri R. Samuel Kharam aged about 47 years S/o R. Reinthun, resident of Kharam Pallen Village, P.O. Langching, P.S. Thanglounbung, Kangpokpi District, Manipur.
3. Ralneithang Marem, aged about 30 years, S/o Renlongshong Marem, Resident of Laikot Phaizol, P.O.- Litan, P.S- Saikul, Kangpokpi District, Manipur, by occupation Secretary of Kharam Pallen Village

..... *Petitioners*

- Versus -

1. The State of Manipur through the Commissioner/Secretary, (Education) (S), Government of Manipur.
2. The Chief Secretary, Government of Manipur.
3. The Principal Secretary (Tribal Affair & Hills), Government of Manipur.
4. The Chief Executive Officer (CEO), Senapati, Autonomous District Council (ADC) Ukhrul District, Manipur.
5. The Chief Executive Officer (CEO), Kangpokpi, Autonomous District Council (ADC) Ukhrul District, Manipur.
6. The Director (Education) (S), Government of Manipur.
7. The Zonal Education Officer, Senapati District, Manipur
8. The Zonal Education Officer, Kangpokpi District, Manipur

.... Respondents

For the Petitioners : Ms. H. Bisheshwori, Advocate
For the Respondents : Mr. N. Kumarjit, Advocate General.

Date of Order : 31.08.2020

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

ORDER (ORAL)

Ramalingam Sudhakar, CJ

[1] The prayers in PIL No. 45 of 2016 and PIL No. 46 of 2017 are common and it read as follows:

PIL No. 45 of 2016

“ii) issue a writ of mandamus by directing an independent investigating agency to investigate/enquire into the deficiencies/illegalities committed by the authorities of the State Education Department (School Section),

Govt. of Manipur and punish the wrong doers as per the findings of the investigation/enquiry.

- iii) direct the State respondents to construct the school buildings in the schools where there are no buildings within a stipulated period.*
- iv) direct the State respondents to construct toilets in the schools where there are no toilets after a proper verification and also to maintain separate toilets for the boys and girls students in the co-educational institutions within a stipulated time.*
- v) direct the State respondents to provide Mid Day Meals uniformly and regularly in adequate numbers proportionate to the number of students within a stipulated period.*
- vi) direct the State respondents to provide school bags to all the girls students studying in the Govt. Schools and school uniforms within a stipulated period.”*

PIL No. 46 of 2017

- “i) Issue Rule Nisi to the respondents or direction more particularly in the nature of ‘MANDAMUS’ thereby directing the Respondents to construct a new Schools building, playground and to provide separate toilets, kitchen for mid-day meal, library magazine, newspaper and secured wall fencing etc. in favour of Kharam Pallel village, Laikot Phaijol village, Tuisenphai village and Laikot Kharam village School.*
- ii) Direct the Respondents so as to fulfill the mandatory provisions of Right to Education guaranteed under Article 21-A of the Constitution of India and the provisions of the Right to Free and Compulsory Education, Act 2009 by providing a separate toilet.”*

[2]

This Court passed the following order on 07.03.2019 :-

“Today, the Secretary, Education (S) was present as per order of the Court and assisted the AG in understanding the scope of the PIL.

The Secretary assured this Court that he will collect the data from all the Primary and Middle schools in the form of a tabulated sheet. He stated that a software is being developed and on that basis, he will be able to give the full particulars of the schools established and which are functional. He undertakes to give details of the schools which are required to be newly established and the facilities which are required in existing schools. The reports given by the ZEO concerned will be collated and detail chart submitted.

A tabulated sheet zone wise to be submitted on 13th June, 2019. The appearance of the Secretary, Education (S), Government of Manipur is recorded and further appearance is dispensed with.

Besides photographs of each school building should be enclosed as annexure to the Chart indicating the name of the school and the location.

Further, it is stated that earlier details were furnished to this Court by the department and the Court Commissioners. The Registrar (Judicial) is directed to produce the photographs and records submitted by the School

Department as well as the Court appointed Commissioners before the Court on the next hearing date.

List the matter on 13.06.2019.”

[3] Subsequently, on 13.11.2019, this Court passed the following order :-

“[1] The common issue raised in these two PILs is improving the conditions of the schools, which according to the petitioners in these cases, is said to be stated as follows. The school buildings are in a dilapidated condition and in a very bad shape. There are no proper toilet facilities. School facilities are incomplete. In this regard, the Court passed an order dated 11.7.2017 in PIL NO. 13 of 2016 (disposed of) appointing Shri Y.Nirmolchand Singh, learned senior counsel and Shri Kh.Tarunkumar, learned counsel appointed as Advocate Commissioners to visit 5(five) schools and submit a report. They have visited the 5(five) schools on 26.7.2017 and a report has been submitted to the Court on 22.8.2017 in PIL No. 13 of 2016 and recorded in the order of the Court dated 22.8.2017 passed in PIL No.13 of 2016. In addition to that, in the PIL NO. 45 of 2016 and PIL No.13 of 2016, the following order was passed on 6.11.2017 which reads as under:-

“6.11.2017

Heard Mr. Kh. Tarunkumar as well as Mr. M. Rakesh, learned counsel for the petitioner, Mr. N. Kumarjit, learned AG for the State and Mr. S. Suresh, learned CGC for the Union of India.

Today, the Director, Education (S) and the Zonal Education Officers (ZEOs) are present in person and they have stated that they have furnished reports in respect of 1183 out of 2168 schools, and as regards the remaining schools, all attempts are being made to collect necessary information and it may take about a month or so to submit the same before this Court.

Accordingly, the personal appearance of the Director, Education (S) and the Zonal Education Officers (ZEOs) are dispensed with until further order.

Let the reports of the remaining schools be submitted within a month without fail.

List this matter again on 11th December, 2017.

Let the reports relating to the 1183 schools which have been submitted before this Court be placed under the custody of the Joint Registrar (Administration) of this Court.

At this juncture, Mr.S. Thoithoi, learned counsel submits that there is a petition being WP(C) No. 577 of 2017 which was earlier directed by this Court to be listed along with the present set of PILs as it relates to the deficiencies and infrastructure of the Schools located in Kosom Khullen Sub-Division under Kamjong District.

Accordingly, list the said petition along with the present set of PILs on the next date.”

[2] The Court further passed the following order on 27.02.2018 in PIL No.45 of 2016, PIL No.13 of 2016 and W.P(C) No.577 of 2017 as under:-

“27.02.2018

Heard Mr. Kh. Tarunkumar, Mr. Thoithoi and Mr. J. Hillson, learned counsel for the petitioner.

Mr. Debendra, learned GA submits that the Government is presently compiling various figures which have been gathered from various schools regarding the condition of schools and process is also going on for rationalisation of the various Government Schools and the said process is expected to be completed by the end of March, 2018 and accordingly, the matters may be deferred till the end of March, 2018.

On the other hand, Mr. Thoithoi, learned counsel for the petitioner had submitted that as required under Rule 26 of the Right of Children to Free & Compulsory Education Rule 2011, framed under the Right of Children for Free & Compulsory Education Act, 2009 and as required under Section 34 of the Act, the State Government is to constitute a State Advisory Council to advise the State Government on implementation of the provisions of the Act in an effective manner. However, after such constitution in the years 2013 and 2015, there has been no further reconstitution after the expiry of term of the aforesaid Council.

It has been submitted that apart from being mandatory provision, it will be highly necessary for effective implementation of the Right of Children to Free & Compulsory Education Act, 2009 and necessary direction may be issued to the State Respondents in this regard.

Mr. Debendra, learned GA submits that this aspect shall also be looked into by the authorities.

Accordingly, let the matters be listed in the third week of April, 2018 to apprise this Court as to the steps taken by the State respondents with regard to various issues raised in these PILs by filing appropriate affidavit and also regarding the constitution of the State Advisory Council.

List the matters again on 24.4.2018.

A copy of this order be furnished to Mr. Debendra, learned GA.”

[3] The Court again passed the following order on 24.4.2018 in PIL No.45 of 2016, PIL No.13 of 2016 and W.P(C) No.577 of 2017 as under:-

“24.4.2018

Mr. N.Kumarjit, learned Advocate General seeks some time to ascertain as to whether the State Advisory Council has been constituted after its term had expired in the month of December, 2017. Learned Advocate General submits that he would like to peruse the consolidated tables prepared by the concerned ZEOs on the basis of the report submitted by the schools. Learned Advocate General will also apprise this Court about the various budget allocations made for the Education Department, Manipur.

List the matters on 8.5.2018 (Tuesday).

Office of the learned Advocate General may furnish copy of the tables/other relevant documents to the learned counsel for the petitioner."

[4] This Court again passed an order on 08.08.2018 in PIL No.45 of 2016, PIL No.13 of 2016 and W.P(C) No.577 of 2017 which is extracted as below:-

"08.08.2018

The prayers in PIL No.13 of 2016 and WP (C) No. 577 of 2017 are as follows:

"PIL No.13 Of 2016:

to admit this writ petition and issue rule nisi;

to issue a writ in the nature of Mandamus or any other appropriate writ(s) or order(s) thereby directing the Respondents to construct an all weather building of the Chairel Turel Wangma Taba Primary School consisting of (i) at least one class-room for every teacher and an office-cum-store-cum-head teacher's room; (ii) barrier-free access; (iii) separate toilet for boys and girls; (iv) safe and adequate drinking water facility to all children; (v) a kitchen , where mid-day meal is cooked in the school; (vi) playground and (vii) arrangement for securing the school building by boundary wall or fencing;

to issue a writ in the nature of Mandamus or any other appropriate writ(s) or order (s) thereby directing the Respondents to provide free school uniform (including school shoes and socks), school textbooks, notebooks, other writing materials to all children of Chairel Tural Wangma Taba Primary School;

to issue a writ in the nature of Mandamus or any other appropriate writ(s) or order(s) thereby directing the Respondents to ensure availability of service of teachers at Chairel Turel Wangma Taba Primary School;

in the interim to issue an appropriate order or direction thereby directing the Respondents to provide service of teachers at the Chairel Turel Wangma Taba Primary School;

to issue any other appropriate order or direction which the Hon'ble Court deems fit and proper in the facts and circumstances of the case."

W.P. (C) No. 577 of 2017

“1. Admit this writ petition and Issue Rule Nisi to the Respondents.

2. Issue a writ in the nature of MANDAMUS or any other writ, order or direction thereby directing the Respondents to construct four new class rooms and to provide separate toilet for boys and girls, library, playground, staff room, teacher office, a kitchen where mid-day meal is cooked, secured wall fencing of the school and also to provide required teacher and staff in favour of the Tamaram Primary School.

3. Direct the Respondents so as to fulfill the mandatory provisions of Right to Education guaranteed under Article 21-A of the Constitution of India and the provisions of the Right of Children to Free and Compulsory Education Act, 2009 and its Rule 2010.

4 Pass an order so as to dispose of the representation dated 17.4.2017 within a stipulated time.

5. Pass such other order or orders, as this Hon'ble High Court may deem fit and proper in the circumstances of the case to meet the ends of justice.”

The issue raised in the PIL and the Writ Petition is being dealt with in the main PIL No. 45 of 2016, where series of orders have been passed. In order to avoid multiplicity of order in different PILs, and since the Court is taking the issue of providing better school facilities in the entire State of Manipur in PIL No.45 of 2016, the PIL No.13 of 2016 and WP(C) No. 577 of 2017 are closed. The orders passed in these two cases be linked to the PIL No. 45 of 2016.

The two Advocates namely, Ms. Bisheshwari and Mr. J. Hillson, are appointed as Amicus Curiae to assist the Court in this matter and they will go through the records already submitted and available with the Registry and give the input in response to the document submitted by the learned Advocate General on 28.6.2018.

List on 11.9.2018.”

[5] The records/reports relating to 1183 schools, which are now in the custody of the Joint Registrar (Administration), High Court of Manipur shall be inspected by Mr.S.Worthing and Mr.Khaltar Khampa as well as Mr.Kh.Tarunkumar, learned counsel for the petitioners in the office of the Joint Registrar (Administration), High Court of Manipur and they will make their submissions on the next hearing date as to what are the remedial actions to be taken on the basis of said report.

In the meanwhile, Shri Y.Nirmolchand Singh, learned senior counsel and Shri Kh.Tarunkumar Singh, learned counsel are further directed to visit

the 5(five) schools indicated in the report dated 22.8.2017 once again and give the present status/report so as to enable the Court to ascertain whether any remedial measures have been taken in respect of the defects pointed in the 5(five) school as per report dated 22.8.2017.

[6] The two Advocate Commissioner will cause notice to the Zonal Education Officer concerned of these 5(five) schools and the said officers will be present at the time of inspection and will also sign the report along with the Advocate Commissioners.

[7] The entire case records relating to PIL No.13 of 2016 shall be placed along with these two PILs for easy reference.

[8] Copy of this order be issued to the two Advocate Commissioners, learned counsel for the petitioners, learned Advocate General who will hand over the same to the Director of School Education to report compliance.

[9] List it again on 15.01.2020.”

[4] Respondent No. 1 has filed reply affidavit dated 25.07.2017 along with letters and enclosures [Annexure-R/1 (Colly)] in PIL No. 45 of 2016. In response to PIL No. 46 of 2017, respondent No. 1 has filed various reports dated 28.06.2018, namely Spot Survey Report of Laikhot Phaijol Vilage (R/1), Laikot Kom UJB School (R/2), Spot Survey Repot of Tuisenphai LP School (R/3) and Spot Survey Report of Laikhot Kharam Village (R/4).

[5] Pursuant to the direction of this Court, in the reply affidavit dated 17.10.2019 of respondent No. 1 in PIL No. 45 of 2016, report of the Directorate of Education (S), Manipur (Annexure-X/1) has been filed with complete details of name of Zonal Education offices, number of schools, number of teachers, number of students, number of classes, toilet facilities, drinking water facilities, kitchen for mid day meal, play ground, barrier free access – along with CD. This has been recorded in the order dated 13.11.2019.

[6] In the order dated 13.11.2019, records/reports relating to 1183 schools have been submitted and a direction was issued to the petitioners’

counsel and amicus curiae to inspect the report and make submission on the basis of the report for remedial action. However, it appears that learned counsel Ms. Bisheshwori, Mr. S. Worthing, Mr. Khalter Khampa as well as Mr. Kh. Tarunkumar have not taken the initiative to verify the records of 1183 schools which were submitted by the respondents.

The petitioner can make a representation to the Government on the basis of Inspection of record for any rectification for improvement in the school education facilities.

[7] The prayer in PIL No. 45 of 2016 is general in nature and prayer in PIL No. 46 of 2016 is similar and specific for some villages.

Considering the nature of grievance and since substantial reports have been filed by respondents showing compliance in respect of many schools and they have also indicated the need to further improve any other aspects, we direct the school authorities and State Government to effectively take all remedial action and show earnestness in implementing the statutory provisions of the Right of Children to Free and Compulsory Education Act, 2009. Besides, all facilities required for school children including toilet, drinking water and recreation facilities like playground etc. be provided without any lapse and rectify all the defects as evident from the report and also take steps to improve the school facilities.

With the above direction, the PIL stands disposed of.

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JUDGE

CHIEF JUSTICE