
(2014) 05 JH CK 0043
In the Jharkhand High Court
Case No : W.P. (PIL) No. 6978 of 2013

Court on its Own Motion

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 09-05-2014

Acts Referred:

Citation : (2014) 3 JLJR 37

Hon'ble Judges : R. Banumathi, C.J;S. Chandrashekhar, J

Bench : Division Bench

Advocate : A.R. Choudhary, Amicus Curiae, Advocate for the Appellant; Rajesh Kumar, G.P. V, Advocate for the Respondent

Judgement

1. Taking note of the report in the daily newspaper "The Telegraph" about the appalling condition of the toilets in the State-run-schools, this Court has taken suo motu notice and vide orders dated 21.11.2013, 30.1.2014 and 28.3.2014, we have issued various directions to the State-respondents to ensure that the toilets are made available in all Government Elementary Schools and also to take steps to provide separate toilets for boys and girls in Government Secondary Schools.

2. Earlier in the affidavit filed on 30th January, 2014 in paragraphs-8 and 9, the respondents have stated as under:

8. That it is stated that presently 3,229 elementary schools do not have boys toilet, whereas 4,211 elementary schools do not have separate girl's toilet.

Boys toilets in 64 schools and in 1079 schools girls toilet are under construction against the sanction under Sarva Siksha Abhiyan. These are expected to be completed by March-2014.

9. That it is stated that similarly there are 2238 Govt. secondary School in the State out of which 1858 and 1911 boys and girl's toilet are available in the secondary schools.

3. On instruction, the learned Government Pleader- Mr. Rajesh Kumar- submitted that the State-respondents are taking steps for facilitating the construction of toilets and joint coordination committee of Health Department, Drinking Water and Sanitation Department and UNICEF has been held and the State-respondents are taking steps for construction of toilets in all the Schools.

4. In this regard, learned Government Pleader No. 5 has filed an affidavit sworn in by Deputy Secretary, Human Resources Development Department, Government of Jharkhand. Paragraphs-4, 5 and 6 of the said affidavit reads as under:

4. That instant affidavit is being filed as per the direction of the Hon"ble High Court whereby it has been ordered to file affidavit with regard to availability of toilets (boys and girls} in the Govt. Schools and steps taken further by the State Govt. to facilitate toilets for boys and girls in the Govt. Schools

5. That it is stated that 7290 boys toilets were sanctioned under Sarva Siksha Abhiyan by Project Approval Board, Government of India from the year- 2002-02 to 2013-14, out of which 7120 toilets have already been completed.

6. That it is stated prior to filing of the present PIL there were 4145 elementary schools without boys toilets and 6240 elementary schools without separate girls toilet.

5. By comparison of the figures given in the counter affidavit filed on 30th January, 2014 and the affidavit filed today sworn in by the Deputy Secretary, Human Resource Development Department, Government of Jharkhand, Ranchi it appears that no much progress has been done in the construction of toilets, except construction of few toilets. The figures of the schools where the toilets are not provided remain the same. For example in paragraph-5, it is stated that 3165 elementary schools do not have boys toilet whereas 3203 elementary schools do not have separate girls toilet. In paragraph-6 thereof, the respondents have stated that there are 2238 Government Secondary Schools in the State, out of which 1869 and 1919 boys and girls toilet are available.

6. It is to be pointed out that even though, we have granted more than two months time, no substantial progress has been made in the construction of toilets in the Government Elementary Schools and Government Secondary Schools in the State. It is also not informed whether running water facilities are provided or not in the existing toilets.

7. Only having regard to the appalling condition of the toilet- non availability of the toilet, this Court has taken the news items as suo motu public interest litigation. In spite of various directions, the State-respondents have not taken adequate steps in complying with the direction of the Court. We do not appreciate the slackness on the part of the State-respondents. The respondents who are- under the Constitutional obligation to provide the necessary infrastructure, including toilets in the Government Schools.

8. We, therefore, direct the Principal Secretaries of Human Resources Development Department and Drinking Water and Sanitation Department, Government of Jharkhand, Ranchi to be present in the Court on 13.5.2014 at 10.30 a.m. and explain as to why they have not taken prompt steps in complying with the direction of the Court in providing toilets, both in Government Elementary Schools and Government Secondary Schools in the State of Jharkhand.

9. Post this matter again on 13.5.2014.