
(2015) 11 RAJ CK 0046
In the Rajasthan High Court
Case No : Civil Writ Petition (PIL) No. 3669/2015

Prakash Hiragar

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 16-11-2015

Acts Referred:

Citation : (2015) 11 RAJ CK 0046

Hon'ble Judges : Govind Mathur and Jaishree Thakur, JJ.

Bench : Division Bench

Advocate : Rajvendra Saraswat, Amicus Curiae, for the Appellant; Shyam Paliwal, Assisting Counsel to Rajesh Panwar, Additional Advocate General, for the Respondent

Judgement

1. The Government of Rajasthan introduced a scheme in the name of "Rajeev Gandhi Vidhyarthi Digital Yojna" to promote E-awareness among the students. In the scheme aforesaid Hon"ble the Chief Minister declared that for the educational sessions 2011-12 and 2012-13, 14" laptops shall be distributed to 20,000 students standing in merit of Class VIIIth, Xth and XIIth. The programme aforesaid is confined to the students of Government schools. Though the petitioner obtained 83.80% marks in XIIth standard examination and also stood at merit No. 8, but laptop is not given to him being a student of private school. Aggrieved by the same he addressed a letter to this Court which is treated as a petition for writ in public interest.

2. As per the facts stated in the petition, the petitioner is resident of a small village Balelav in District Pali. His father is a construction labour and is from a family selected under Below Poverty Line (BPL) class. While working with the father as labour, the petitioner qualified Secondary School Examination (Xth standard) from Government Secondary School, Lambiya with 58.67% marks. Due to non-availability of Government School upto the level of Senior Secondary School Examination, he took admission in a private school for further education. As already stated, in Senior Secondary School Examination (XIIth standard) he

secured 83.80% marks and also stood in merit, but laptop was not awarded to him.

3. On 13.4.2015 this Court issued notices to the respondent State and has also appointed Shri Rajvendra Saraswat as amicus curiae to assist the Court.

4. It is submitted that the purpose of introducing "Rajeev Gandhi Vidhyarthi Digital Yojna" and programme of distributing laptops thereunder is to increase E-knowledge among the students, therefore, the classification among the Government run and private schools is having no relevance in awarding of laptops. According to the petitioner all the students appearing in Secondary School Examination conducted by the Board of Secondary Education Rajasthan forms a single class, therefore, no discrimination is permissible on basis of the school from where the student has acquired education. According to learned amicus curiae, the classification made is having no nexus with the object of the programme and, as a matter of fact the classification is causing injury to the object sought to be achieved.

5. A reply to the writ petition has been filed on behalf of the State with submission that the Government introduced the scheme relating to distribution of laptops for Government schools only and that has already been upheld by a Division Bench of this Court in DB Civil (PIL) Writ Petition No. 10696/2013 (At Jaipur) in Shamsuddin v. State of Rajasthan & Ors. A copy of the judgment aforesaid is also placed on record. In the case of Shamsuddin (supra) a Division Bench of this Court refused to interfere in the matter as the petitioner failed to satisfy the Court about the public interest involved on basis of the framework of the petition and contents thereof. The Division Bench while dismissing the writ petition observed that "it would always be open for the Government to consider as to whether the benefit accorded by the impugned notification dated 30.4.2013 ought to be extended to similarly placed students of other schools of the State".

6. By order dated 3.7.2015, the respondent State was directed to place on record a copy of the entire scheme of "Rajeev Gandhi Vidhyarthi Digital Yojna" and further a direction was give on 28.7.2015 to acquaint the Court about all the schemes which are in operation to encourage meritorious students. The Court also desired to have details pertaining to budgetary allocations for school education.

7. As per the compliance report given, the Government of Rajasthan is having at least 30 schemes to encourage meritorious students and also the students coming from weaker sections. An important fact brought into knowledge of the Court is that out of the total sanctioned strength of various posts in Secondary School Education 70668 posts in different cadres are lying vacant. The details of the vacancy as per the statement given are as under:--

8. From perusal of the details given, it is apparent that about 37% posts in different cadres are lying vacant. In the cadre of Principal, the non-filled vacancies are about 77%. In the cadre of Lecturer, the vacancies available are

more than 60%. The other posts connected with teaching in the cadre of Laboratory Assistant, Laboratory Attendant, Library Superintendent etc. are also lying vacant in big number. The non-availability of adequate staff is causing a great harm to the entire education system in Government sector. It is brought to our notice that as per the annual status of education report, the yearly result of Government schools is continuously falling due to the non-availability of the staff and infrastructure in most of the Government schools.

9. The State of Rajasthan is one among the highly populated State in the country with largest geographical area. We are in need to have best infrastructure for our critically competitive force of citizens. We are adopting new system of a economic progress and for that purpose enacting and implementing several schemes i.e. "Resurgent Rajasthan" and "Smart City Scheme" etc. These schemes are essentially concerned with economic structure but the economic structure cannot be strengthened without having a force of well educated population. The economic progress of few may strengthen State treasury, but for a healthy socio economic State structure radical changes in every sphere are necessary. The education is the most effective tool for such change and, therefore, a quality education is necessary. We are aware of the fact that the State Government is also highly concern to promote educational standard and for that purpose several steps have been taken. The Government has also allocated 20% of its annual budget to child related programme, but the prime issue is about effective implementation of the schemes and adequate output of that. Need not to mention here that to impart education to the children of every strata of the society, is one among the fundamental and important duties of the Government. The State Government, thus, is expected to provide education of high standard to all the students irrespective of quantum of fee or other economic considerations. It is always open for the State Government to arrange necessary funds for having good schools from its own budget or even by availing assistance from the society. It is to be noticed that in the State of Rajasthan several schools/educational buildings even for Government institutions have been constructed by receiving donations from the residents of the State.

10. In the case in hand, the petitioner left his village and joined a private school only for the reason that the Government school was not available close to his village. It is also important to notice that while acquiring education in a Government institution for Xth standard, he secured 58% of maximum marks, whereas after joining a private school in XIIth standard, he secured more than 83% of maximum marks. This fact indicates that the standard of education is certainly high in private sector. The Government schools are also required to have higher standards of education and that can be done by providing necessary infrastructure including sufficient manning.

11. While keeping the issue relating to distribution of laptop as prayed by the petitioner pending consideration, we deem it appropriate to issue following directions:--

- "1. The State Government shall issue necessary directions to the competent authorities to fill-up all existing vacancies relating to various posts referred in this order. The vacancies shall be filled in at earliest, as far as possible before June 30th, 2016;
2. The State Government shall ensure availability of all text books before commencing the next educational session. The standard of text book should be high and with zero error;
3. The State Government shall also ensure effective implementation of all the schemes and programmes assigned for Government Schools at different levels. It shall also ensure participation of maximum students in such programmes;
4. The State Government shall ensure that the existing staff posted in different Government Schools religiously attend the school and discharge their respective duties. The teaching staff must take all classes and must ensure better result;
5. The State Government shall also ensure implementation of extra curricular activities for students at school level, District level and State level. These activities should not be empty formality but an event to be celebrated with maximum participation of the students;
6. The State Government shall make its best efforts to introduce latest technology in the teaching and other educational activities. Efforts shall be made to provide all facilities relating to computer education to the students of Government Schools;
7. The State Government shall ensure availability of separate toilets for students and staff members, drinking water facilities, adequate number of class rooms, a library, as far as possible an independent play ground and an assembly hall for students. Every school compound should have adequate number of trees and garden. Participation of the students in eco-friendly activities like tree plantation, conservation of water and soil shall also be ensured;
8. The State Government shall also introduce a programme at primary and middle school level to promote civic sense (specially in relation to hygiene, cleanliness, traffic sense etc.) among the students. It shall also be ensured that all the teachers and other staff members of the educational institutions concerned attend school in graceful attire;
9. The State Government shall instruct each and every Principal/Headmaster of the School concerned to improve the result of the school with a direction that every teacher shall be accountable to obtain at least 75% success result. He shall be liable to submit explanation in the event of failure to acquire success result as per the rate given;
10. The cleanliness of the school premises shall be ensured. Daily cleaning of toilets shall be necessary;
11. The Schools where hostel facility is available, the authorities competent shall

ensure regular cleaning of the hostel campus including rooms, kitchen, mess, toilets etc; and

12. The State Government shall obtain a compliance report from each and every Government School of the State of Rajasthan at District level and shall monitor the school activities including compliance of the directions given above through the District Education Officer."

12. On basis of the details collected, a compliance report shall also be submitted to this Court on next date of hearing.

13. Put up on 28th March, 2016.