
(1997) 09 AHC CK 0201

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 19258 of 1991

Ramji Tiwari and Others

APPELLANT

Vs

District Inspector of Schools and Others

RESPONDENT

Date of Decision : 11-09-1997

Acts Referred:

Citation : (1997) 3 UPLBEC 1662

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : J.J. Munir and J.A. Azmi, for the Appellant; S.C. and Iftikhar Nazim, Deputy Secretary, Government of U.P., for the Respondent

Final Decision : Allowed

Judgement

M. Katju, J.—This writ petition had been allowed by my judgment dated 6-3-1997. However, I had also directed in my judgment that the petition should be listed again before me on 11-9-1997 for monitoring the result of the general mandamus issued in the said judgment. Today Sri J. J. Munir and Sri J.A. Azmi, learned counsels for petitioners, Sri V. N. Agarwal, learned Standing Counsel and Sri Iftikhar Nazim, Deputy Secretary, Government of U.P. appeared before me and I have heard them and discussed the matter.

2. One of the basic requirements for complying with the mandamus in the judgment dated 6-3-1997 See (1997) 1 UPLBEC 690 , will be the need of huge funds so as to finance primary education in this State. In this connection I may mention that in all Western Countries education up to High School is almost free and it is financed by taxation (usually by a tax on real estate). In my opinion in order to implement the judgment of the Hon'ble Supreme Court in Unni Krishnan, J.P. and others Vs. State of Andhra Pradesh and others etc. etc., as well as my judgment dated 6-3-1997, Parliament should impose an education cess for raising the required funds, (there does not appear to be any taxing entry in the state or concurrent list of the seventh Schedule to the Constitution enabling the State Legislature to impose such a tax). The public will not oppose

this tax because it will be for the benefit of the next generation who are our children. In my opinion this is the only practical way of generating the funds which are required to comply with the direction of the Hon"ble Supreme Court in Unni Krishan"s case to provide free and compulsory education to every child upto the age 14 years Hence I direct the State Government to take immediate steps in this connection and approach the Central Government for introducing a bill in parliament for this purpose.

3. I would like to emphasize here the economic growth of a nation has a direct and intimate connection with the literacy rate, as has been discussed in my judgment dated 6-3-1997 See Ramji Tiwari and Others Vs. District Inspector of Schools and Others, , Every rupee invested in education will yield 10 times returns in the form of higher economic growth. All modern nations are almost 100% literate. Hence education is of paramount importance if we want our nation to prosper.

4. I would also like to reiterate that the right to education means the right to good quality education. Hence mere opening of a lot of schools and paying high salaries to teachers is not enough. The teachers and the schools must impart education of a high standard. Hence the State Government through its agencies must constantly monitor the working of these schools and teachers. Disciplinary action should be taken against teachers who do not take interest in teaching. In recruiting teachers only merit should be seen and incompetent persons should never be appointed as teachers. Schools which do not maintain high standards should be delisted from grant-in-aid, after giving them a show cause notice.

5. Sri Iftikhar Nazim has submitted before me that regarding payment of salary to the petitioners in the present writ petition steps are being taken in this connection by the State Government and payment in accordance with law will commence very shortly.

6. I may also add that in Western Countries education upto High School level is ordinarily free. However, higher education thereafter is very expensive. In Western Countries only about 10 to 15% of the students go for higher education whereas the rest who complete High School go for vocational courses/training e.g. Machanic, Electrician, Photographer, Cost Accountant, Computer programming etc. Unfortunately in our country we have not developed this concept, and the result is that there is a great rush for admission in Univerties, and often in B. A. or M. A. classes there are 300 or 400 hundred students in one class, which makes proper teaching impossible. In my opinion, in our country there should be a large number of vocational courses/training for students who complete High School so that after having undergone the said course or training the person can earn his bread, instead of doing B. A. or M. A. course which has poor prospect of employment, and he remains a burden on his parents. Hence the State Government should also take up this matter urgently and necessary action in this connection should be taken at the earliest for introducing vocational courses/training in large numbers at the earliest so that the young generation

may be able to earn their living and not remained unemployed. In my opinion this will also contribute to economic growth in the country.

7. I have been informed that a similar case is pending in the Supreme Court, Satya Pal Anand v. Union of India, Writ Petition No. 81 of 1994 in which also the question about implementing the judgment in Unni Krishnan's case is involved, In my opinion a copy of my judgment dated 6-3-1997. See Ramji Tiwari and Others Vs. District Inspector of Schools and Others, , and this order should be placed before the Bench of the Hon'ble Supreme Court hearing that case as it might be of some use. The Registrar of this Court, will send a copy of the judgment dated dated 6-3-1997, See Ramji Tiwari and Others Vs. District Inspector of Schools and Others, as well as of this order to the Registrar General of the Supreme Court who may place it before concerned Bench hearing the case of Satya Pal Anand v. Union of India, in the Supreme Court. The State Government shall also send a copy of my judgment dated 6-3-1997, See (1997) 1 UPLBEC 690, as well as this order to the Attorney General, Government of India who is appearing in the aforesaid case in the Supreme Court.

8. List this case on 20 10-1997 by which date an affidavit shall be filed by the State Government as to what steps were taken to comply with the mandamus issued by me under the judgment dated 6-3-1997. [See (1997)1 UPLBEC 690]. If I am in a Division Bench on that date then the case shall be listed before me in Chambers at 1.20 P.M.