

(2011) 01 PAT CK 0033
In the Patna High Court
Case No : CWJC No. 18829 of 2010

Satyendra Kumar Sandilya @ Satyendra Singh	APPELLANT
Vs	
The State of Bihar and Others	RESPONDENT

Date of Decision : 07-01-2011

Acts Referred:

Citation : (2011) 01 PAT CK 0033

Judgement

1. Heard learned Counsel for the Petitioner, learned Counsel for the State and learned Counsel for the Election Commission of India.
2. This Public Interest Litigation raises the same issues which were addressed by the Hon"ble Supreme Court in the case of Election Commission of India Vs. St. Mary"s School and Others,
3. The Petitioner wants issuance of suitable directions so as to prohibit deployment of Teachers for non-educational purposes such as election and census duties. The Apex Court in the aforesaid judgment has noticed all the relevant aspects and constitutional provisions and has ultimately approved the stand of the Election Commission of India that as far as possible Teachers would be put on electoral roll revision works on holidays, non teaching days and non-teaching hours whereas non-teaching staff may be put on duty anytime. In the words of the Apex Court?"Teachers should not ordinarily be put on duty on teaching days and within teaching hours. Non-teaching staff, however, may be put on such duties on any day or at any time, if permissible in law".
4. Learned Counsel for the Election Commission of India has drawn our attention to Section 27 of the Right of Children to Free and Compulsory Education Act, 2009 which is a Central Legislation enacted after the aforesaid judgment of the Apex Court, to point out that now there is a prohibition on deployment of Teachers for non-educational purposes other than the decennial population census, disaster relief duties or duties relating to election to the Local Authority or the State Legislation or Parliament as the case may be.

5. It appears from Annexure-1 to the writ petition that the Election Commission of India took notice of the judgment of the Apex Court noticed above and issued a circular letter dated 28.1.2008 to the Chief Electoral Officers of all States and Union Territories reiterating its stand before the Apex Court in obedience to the directions in the judgment.

6. As the relevant provisions indicated above are clear and require no interpretation, we are not required to issue any direction except that all the concerned authorities shall act in accordance with the provisions of Section 27 of the Right of Children to Free and Compulsory Education Act, 2009 and directions of the Apex Court in the case of Election Commission of India v. St. Mary's School and Ors. (supra) .

7. The writ petition is disposed of accordingly.