
(2000) 11 GAU CK 0001
In the Gauhati High Court
Case No : Civil Rule No. 813 of 1998

Yaruingam

APPELLANT

Vs

State of Manipur and Others

RESPONDENT

Date of Decision : 14-11-2000

Acts Referred:

Constitution of India, 1950 — Article 41

Citation : (2000) 3 GLT 522

Hon'ble Judges : N.S. Singh, J

Bench : Single Bench

Advocate : Mr. R. Daniel and Mr. U. Duidang, for the Appellant; Mr. L. Shyamkishore and Mr. R.K. Jayentakumar, for the Respondent

Judgement

1. Heard Mr. R. Daniel, learned counsel assisted by Mr. U. Duidang, learned counsel for the petitioners and also Mr. L. Shyamkishore Singh, learned Sr. Counsel assisted by Mr. K. Jagat Singh, learned counsel for the respondent Nos. 1, 2, and 5 as well as Mr. R.K. Jayentakumar Singh, learned Addl. Govt. Advocate for the State respondent Nos. 3 and 4.

2. In this Writ Petition, the petitioners made a prayer for a direction to the respondents to appoint or to give posting of adequate number of teachers to meet the needs of the students of Soraphung Govt. J.B. School and to provide necessary amenities like sufficient class rooms for the students numbering about 200 and for giving status of a full fledged Govt. J.B. School by contending inter alia, that the petitioner No. 1 is the Headman of Soraphung Village and the petitioner No. 2 is a student reading in Class V in the said School being represented by the petitioner No. 1. The said School was establishing in the year 1986 and is located at the main housing site of the village which is 45 kms. far from the main Village, Kharasom village the nearest bus stop and from Kharasom to Ukhrul it has a distance of 88 kms. Therefore, it is about 133 kms from Soraphung to Ukhrul. The Village has 168 houses having a polutation of about 1,120 as per the latest census report of 1991 and at present there are altogether

about 200 Pupils in the said School. Since the date of establishment of the said School in the year 1986, a school teacher namely : Shri Wilson Tangkhul has been posted and serving there in the said school as a lone teacher. Therefore, it has become a difficult problem on the part of the said lone teacher to run the said school without adequate number of teachers for the pupils numbering about 200. Thus, causing a great injustice to the pupils of the said school and also affecting their students' career even though the said lone teacher has been doing at his best level. It is also the case of the petitioners that they approached the competent authorities by filing representation from the to them for appointment of teachers of the said school or for making posting of adequate number of teachers in the said school as seen in the documents marked as Annexures - A/1, A/2, A/3. A/4 and A/5 to the Writ Petition.

3. Supporting the case of the Writ Petitioners, Mr. Daniel, learned counsel contended that our Constitution provided for free and compulsory education for all children until they complete the age of 14 years and it is the constitutional mandate of the State to provide compulsory education, for which minimum requirements for a school is necessitated inasmuch as at least adequate number of teachers should be posted there for imparting education in a remote village like Soraphung Village. Despite the existence of these trouble and hurdles in the life of the poor villagers for their children, the said lone teacher has been serving in the said school in the interest of the students of the said school, but the students are facing a lot of difficulties and problems for want of adequate number of teachers in the said school. At the hearing, Mr. R. Daniel, learned counsel has drawn my attention to the document marked as Annexure - A/7 to the Writ Petition, which is news item published in the local daily "Poknapham" on 5.9.1998 and submitted that the Government even posted and utilised the services of 24 teachers for 33 girl students in Thangmeiband Girls High School, Imphal and the school like the petitioner's school located at a remote place of the State the State respondents authority concerned allowed only a lone teacher to serve in the said school for the students numbering about 200.

Mr. R.K. Jayentakumar Singh, learned Addl. Govt. Advocate as well as Mr. L. Shyamkoshore Singh, learned Sr. counsel for the respondents submitted that they have nothing to say about the submissions so far advanced by Mr. Daniel, learned counsel for the petitioners in this matter as they have no knowledge about the actual position of it. However, Mr. Shyamkishore Singh, learned Sr. counsel appearing for the respondent Nos. 1, 2 and 5 contended that this school is under the control of the Ukhrul Autonomus District Council not under the State Government as it is only a grant-in-aid school and there has been shortage of number of teachers in all the schools under the Ukhrul Autonomus District Council and, for want of fund, the Ukhrul Autonomus District could not afford the services of teachers in the schools including the petitioners' school and due to this circumstances, no new post can be created. However, Mr. Shyamkishore Singh in his usual frankness conceded that additional teacher or teachers will be appointed when new posts are created funds are available under the Ukhrul

Autonomous District Council for the petitioners" school and the school building may also be expanded when this funds are available.

4. It is very strange to know that in a school like Soraphung Govt. J. B. S. School only a lone teacher has been working and teaching the students numbering about 200 for the last many years and the precarious condition of the petitioners" school remains as it is since the last many years. The State respondents as well as the Ukhrul Autonomus District Council did not look into the affairs of the petitioners" school despite the representations submitted by the Writ Petitioners. In the instant case, the petitioners have been claiming at least 6 (six) teachers for the said school in terms of the Manipur Non-Government School and Colleges Recongnition Rules, 1975 and this claim is disputed by Mr. L. Shyamkishore Singh, learned counsel appearing for the respondent Nos. 1, 2 and 5 by contending inter alia, that the said petitioners School is governed by a specific Rule namely : the Manipure Grant-in-Aid to Autonomous District Council Rules, 1981. In that rule, certain conditions for grant-in-aid is provided and as such, it is the wisdom and domain of the Autonomous District Council concerned, either to appoint more teachers or not, according to the fund position, that too, with the aid provided by the State Government and if there is no adequate funds or aids from the ends of the State Government, it is not possible on the part of the Ukhrul Autonomous District Council / respondents concerned to provide or appoint teachers for the petitioners" school.

5. Be that as it may, it is the Directive Principles of State Policy as enshrined under Article 41 of the Constitution that the State shall, within the limit of its economic capacity and development, make effective provisions of securing the right to work, to education and to public assistance etc. and such Directive Principles of State Policy pertaining to the provisions for securing the right to education reflects the hopes and aspirations of the people. Although the provisions of this part are not enforceable by any court, the principles laid down therein are nevertheless fundamental in the governance of the country and the State is under an obligation to apply them in making laws and the principles so laid down there, therefore, define the objectives and goals which the State must endeavour to achieve over a period of time. Therefore, whenever the State is required to make laws it must do so consistently with these principles with a view to securing social and economic freedom so essential for establishment of an egalitarian society. This principles of law has been laid down by the Apex Court in a case between Jacob M. Puthuparambil and others Vs. Kerala Water Authority and others, Applying these principles of law and also keeping all these existing facts and circumstances of the case, this court required all the respondents to apply their mind in the matter and to see and to spend at least for a few time to the state of affairs namely; the precarious condition of the students of a hill village, who have been learning their education and lesson from a lone teacher since the last many many years. These Directive Principles of State Policy is for the purpose of securing the right to education reflecting and highlighting the right with hopes and aspirations of the people in particular. In the instant case,

the great hopes and visions of these young students of Soraphung Village reading in Soraphung Govt. J B. School should be fulfilled by providing at least minimum teachers say 6 (six) teachers in number for the said school so that the poor villagers of Soraphung village and their small children, who are the young pillars of the nation, may feel that justice has been done to them by the Stated respondents as well as the Ukhrul Autonomus District Council. This court hopes and trust that the State respondents shall do the needful in the matter to achieve the purpose of this constitutional mandates and provisions laid down under Articles 14 and 41 of the Constitution of India.

6. For the reasons, observations and directions made above, this writ Petition is, hereby, disposed of but no order as to costs. Registry is directed to communicate a copy of this judgment and order to the Principal Secretary to His Excellency the Governor of Manipur, the Chief Secretary, Govt. of Manipur for their information. Further, a copy of this judgment and order also be furnished to Mr. K. Jagat Singh, learned counsel for the respondents for doing the needful in the matter.