

Environmental & Consumer Protection Foundation

v.

Delhi Administration & Others

(Supreme Court Of India)

HON'BLE DR. JUSTICE DALVEER BHANDARI HON'BLE MR. JUSTICE  
A.K. GANGULY

Writ Petition (Civil) No. 631 Of 2004 | 08-02-2011

Dr. Dalveer Bhandari, J.

1. In pursuance of the notices issued by this Court, the States of West Bengal, Karnataka and the Union Territory of Delhi have filed their affidavits. Learned counsel appearing for the other States and Union Territories submit that because of the paucity of time, they could not file their comprehensive affidavits.

2. In order to get comprehensive information regarding basic facilities such as potable/drinking water, toilets (both for boys and girls), electricity, boundary walls, mid-day meal facility and whether the primary schools have requisite number of teachers, we would like all the District Collectors and Magistrates in the country to submit a report to the Chief Secretary/Administrator of their respective State/Union Territory within four weeks and the Chief Secretary/Administrator concerned of the State/Union Territory are directed to file a comprehensive affidavit before this Court within six weeks from today. This has become imperative because free and compulsory education has now become a fundamental right under Article 21-A of the Constitution of India and in order to implement this fundamental right of the children, this exercise is absolutely imperative.

3. In pursuance of the directions of this Court, an affidavit has been filed on behalf of the Delhi Subordinate Service Selection Board. In the affidavit it is incorporated that out of 3177 trained graduate teachers (for short "TGT") posts, the Board has already conducted the examination for 2768 posts in the month of June 2010. Out of 2768 posts, the Board has already processed and declared the result for 1235 posts of TGT. Against these 1235 posts of TGT, 463 candidates

who were found eligible have been selected and the dossiers of these candidates are being sent to the Directorate of Education for further action. Result in respect of remaining 1533 posts of TGT is in process and expected to be declared in February 2011.

4. In the affidavit it is also incorporated that two more requisitions for 174 and 195 posts of TGT were received from the Directorate of Education on 26-4-2010, which were advertised in Employment News dated 10-7-2010-16-7-2010 and examination for these 369 TGT posts will be conducted soon.

5. In the said affidavit it is also mentioned that for 131 posts of drawing teachers which are lying vacant, the Board has conducted the examination and the result of the examination is expected in February 2011. Similarly, the Directorate of Education has conducted the examination for 126 posts of Physical Education teacher and the result is likely to be declared by February 2011. Similarly, for 104 posts of Domestic Home Science teacher, the Board has received requisition only for 68 posts of Domestic Home Science teacher which have been advertised and the examination is going to take place shortly.

6. In the affidavit it is also indicated that examination in respect of remaining 778 posts of TGT will be conducted shortly. The Board has received requisition for 940 posts of Assistant Teachers on 30-11-2010 which are under process for advertisement inviting applications from candidates. As per the statement of the Directorate of Education, 126 posts of Librarian are lying vacant. It is submitted that the Board has received requisition for 87 posts. The Board has already conducted the examination for these posts. Against the said requisition for 87 posts, the Board has already recommended 51 candidates who were found suitable and requested the Directorate of Education to send fresh requisition. As per the statement of Directorate of Education, 139 posts of TGT are lying vacant, the Board has already conducted examination for 75 posts of TGT and against these posts, the Board has recommended 56 candidates who were found eligible. The advertisement for remaining 64 posts has already been published in Employment News.

7. The Board has declared result for 2200 posts of drivers on 6-11-2010 against 5000 vacancies and sent dossiers thereof to Delhi Transport Corporation. The

Board is also at the final stage to declare the results of 2000 posts of Staff Nurses. This affidavit indicates that the Delhi Subordinate Services Selection Board is engaged in filling up all the vacancies in right earnest. Let the further status report be filed within six weeks from today.

8. Mr P. Krishnamurthy, Director of Education has also filed an affidavit. Respondent 1 had previously filed affidavits on 29-4-2009 and 29-10-2009 giving details of infrastructure available in the schools. In this affidavit is submitted that 937 government schools are being run by the Directorate of Education, Government of NCT of Delhi. These schools are being run in morning and evening shifts in 680 school buildings. Approximately 14 lakhs students are studying in these schools of the Directorate of Education.

9. It is mentioned in the affidavit that ramps are available in all schools for the convenience of physically challenged students. Most of the schools have two doors in each classroom. Basic fire safety measures are also available in all the school buildings.

10. All the schools in Delhi have pucca boundary walls except 4 schools where boundary wall is temporary due to some court cases regarding land dispute. All the schools have been provided with telephone connection. It is also mentioned in the affidavit that 630 classroom will be added by way of construction of 14 new school buildings for which necessary approval has already been obtained. A proposal for construction of 16 more new buildings with 720 classroom is also under consideration.

11. In the affidavit it is categorically mentioned that all schools have sufficient facility of separate toilets/urinals for boys and girls, in co-educational schools. It is also mentioned that in all the schools potable/drinking water is available for the students and staff. Water filters/purifiers are installed in all the schools. In most of the schools water is supplied by the Delhi Jal Board. In those areas where DJB water supply through pipeline is not available or supply is insufficient, DJB is supplying water through water tanks. Wherever supply of DJB water is not available/insufficient, the schools are having their own bore wells; and potable/drinking water is being made available using filters/purifiers.

It is also mentioned therein that electricity is available in all the schools and classroo are having fans and light/bulbs.

12. In view of the status report filed by the Directorate of Education, NCT of Delhi, no further directions are necessary for the time being.

13. We would like the primary schools all over the country may follow the pattern of Directorate of Education, Delhi and provide similar facilities all over the country.

14. List the matter for further directions on 29-3-2011.