

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 2088 of 2022

Rashid AliPetitioner

Through :- Mr. Shahabuddin and Mr. Syed Mohammad Nawaz,
Advocates

v/s

State of U.P. and othersRespondents

Through :- Mr. A.K. Roy, Additional Chief Standing Counsel
for respondent Nos.1 & 3 and Mr. Satendra Kumar
Upadhyay, Advocate for respondent No.2

CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE

HON'BLE J.J. MUNIR, JUDGE

ORDER

1. The issue raised in the present petition filed in public interest was with reference to number of schools in the State, which were constructed but were not functional on account of non-appointment of teaching and non-teaching staffs.
2. Considering the conduct of the State, when despite adjournments affidavit was not being filed, we directed the Additional Chief Secretary, Secondary Education, Government of U.P. to file his own affidavit before the next date of hearing about the schools constructed in the State, which are not functional. The details were also required with reference to the year, in which the school buildings were constructed, release of funds and the source thereof.
3. When the matter was taken up today, again learned counsel for the State sought time to file affidavit stating that the Additional Chief Secretary, Secondary Education, Government of U.P. has been permitted to go abroad from December 13, 2022 to December 16, 2022 to conduct road shows for inviting investments in the State.

4. The action of the Additional Chief Secretary in planning a trip abroad and then not complying with our orders to file his personal affidavit, prima facie, appears to be reflective of a somewhat unwelcome tendency amongst certain officials of the State to be more frequently in breach of our orders than adherence. Acting in aid of this Court and assisting justice is part of the duty of every citizen, to which an official is no exception. Here, the personal affidavit of the concerned official was required to overcome the obstructions that we faced when the Additional Chief Standing Counsel for the State could not obtain instructions in the present case from the State and its official. Prima facie, when the Additional Chief Secretary has not complied with our order, which he could conveniently do by an affidavit sworn at the station, where he is posted, it compels us to think about deliberate inaction, if not disobedience, all of which severely impede us in the discharge of our functions to dispense justice.

5. Still further, the order was passed by us on December 3, 2022 and the Additional Chief Secretary of the department concerned was permitted to go abroad from December 13, 2022 to December 16, 2022. Hence, there was good enough time to prepare the affidavit and file the same before the Court but he thought of giving priority to his tour abroad instead of taking care of infrastructure in the State relating to the department, of which he is the In-Charge. Apparently, the priority is not that. Rather, it is enjoying holidays at State expense.

6. Let Additional Chief Secretary, Secondary Education, Government of U.P. appear in Court in person along with complete record on December 22, 2022.

7. Adjourned to December 22, 2022.

(J.J. Munir)
Judge

(Rajesh Bindal)
Chief Justice

Allahabad
13.12.2022
Kuldeep/Manish Himwan