

Court No. - 21

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2673 of 2023

Petitioner :- Chandra Kala

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Gopal Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Kshitij Shailendra, J.

1. The issue raised in the instant PIL, although of great public importance, appears to have no significance for the respondents. Admittedly, a major part of the building of Primary School, Jharsa, Gram Panchayat Jaswantpur, Block & Tehsil Puwanyan, District Shahjahanpur had fallen because of lack of regular upkeep and maintenance. The instructions furnished by Basic Shiksha Adhikari to learned standing counsel reveals that an inspection was made by a Committee on 19.09.2020 in which the present institution alongwith thirty other institutions were found to be in dilapidated condition and beyond repairs. However, the respondents conveniently turned blind eyes to the said report and permitted the building to fall down. After three years, they allege that another inspection was carried on 1.12.2023 in which also the building was found to be beyond repairs. They claim that they have requested for finances from the State Government and as and when, the same is approved, new building would be constructed.

2. Primary education is now a fundamental right of the citizens. As per instructions furnished by B.S.A., one room of the same building, which according to their own case is beyond repairs, is being used for running classes. The petitioner has specifically pleaded in Para 5 of the writ petition that it is posing threat to the life of the children studying there.

3. We call upon the Chief Secretary, Govt. of U.P., Lucknow to file his personal affidavit and disclose the policy of the State Government, if any, in respect of carrying out of regular maintenance and repairs of the buildings of primary schools. He will also disclose in his affidavit how the State Government proposes to resolve the issue, as this Court is of the opinion that it should be attended to without any delay.

4. List as fresh on 4.01.2024.

5. Sri Rajeev Gupta, learned Additional Chief Standing Counsel will communicate the instant order to the Chief Secretary for enabling him to file his affidavit on the above aspects.

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 14.12.2023

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