

Public Interest Litigation Case No.3436 of 2020

Gomti River Bank Residents Association

Versus

State of U.P. and others

Hon'ble Alok Mathur, J.
Hon'ble Brij Raj Singh, J.

1. Sri Vedpati Mishra, Secretary (Secondary Education), U.P. is present before this Court.

2. Two affidavits of compliance filed by Srit Amit Verma, Joint Commissioner of Police (L/O), Lucknow and Sri Deepak Kumar, Additional Chief Secretary (Secondary Education), Lucknow and the application filed by Amicus Curiae for bringing on record the recent incident/mishap at a school in Barbanki on 23.8.2024 are taken on record.

3. An application for exemption from appearance has been filed on behalf of Additional Chief Secretary (Secondary Education), wherein it has been stated that due to pre - occupation on the occasion of functions being organized on 'Teachers Day', he is out of station and, therefore, could not appear.

4. We have perused the application. The reasons have been satisfactorily explained. The application for exemption is, therefore, allowed.

5. Learned Standing counsel has filed an affidavit of compliance. From the said affidavit it is borne out that the respondents are in a process of framing out a policy through which they seek to implement the guidelines of Supreme Court in the case of *Avinash Mehrotra*.

6. Learned amicus curiae has filed an application by means of which a very unfortunate incident has been disclosed to this Court and brought on record that the first floor of a private school, namely, Awadh Children Academy, Jahangirabad, Barabanki, had collapsed. From the various reports it is revealed that 15 to 20 children have been injured. The said news has been reported very widely and in various news papers, including Dainik Jagran and Hindustan, copies of which has been annexed along with the application. The photographs are heartrending wherein the injured children are to be seen being carried out in ambulances. It is these very incidents which are sought to be prevented in case the guidelines of Supreme Court in the case of *Avinash Mehrotra* were followed. Treating the said case to be a test case let an affidavit be filed on the following aspects:-

- (i) Whether any inspection pertaining to the safety of the students was carried out in the said institution prior to the said accident in case any inspection was made then the report be placed before this Court;
- (ii) After the accident what action has been taken by the authorities; whether any in depth analysis has taken place before permitting the institution to continue or any orders have been passed in this regard.
- (iii) Whether the school has been inspected for other safety features including building fire fighting equipment, electricity etc. In case, any report has been prepared the same be submitted.
- (iv) Any other inspection which may have been carried out in the said institution by any authority report shall be placed before this Court on the next date.

7. This Bench has been consistently cautioning the State Government to follow the guidelines of the judgment of Supreme Court in the case of *Avinash Mehrotra* and various directions have been issued by us requiring the respondents to conduct inquiry / inspection of the premises of various educational institutions in the State and submit its report as to whether the compliance is being made to the guidelines issued by the Supreme Court. We have also recorded that the compliance was being monitored by National Disaster Management Authority but in the previous orders dated 23.8.2024

we had recorded that despite repeated orders being passed by this Court no action has been taken by the State Government. Today Additional Chief Secretary has assured this Court that the directions of the Supreme Court shall be duly followed and the first aspect of the matter would be to prepare an 'Action Plan' in accordance with the directions of the Supreme Court and the guidelines issued by the National Disaster Management Authority. It is also noticed that learned amicus curiae has also brought on record a letter dated 1st October, 2021 issued by Joint Secretary, Department of School Education, Ministry of Education, Government of India wherein a fresh guidelines have been prepared which are to be followed with regard to safety of the schools have been circulated. It has been stated that the said guidelines would be in addition to the previous guidelines formulated by National Disaster Management Authority Terms of Schools Safety Policy, 2016. The State of U.P. is also directed to prepare its action plan in accordance with the fresh guidelines issued in 2021. It has been assure that action plan shall be prepared with expedition and be placed before this Court on the next date of listing.

8. With regard to situation of traffic and the orders issued by this Court in the previous order dated 23.8.2024 an affidavit has been filed by Sri Amit Verma, Joint Commissioner of Police, Lucknow in which it has been informed that certain schools have permitted school vans inside the premises of the schools and the directions of the Court have already been complied while certain schools have expressed their reservations in this regard and these reservations and objections are to be looked into by Joint Commissioner in association with learned amicus curiae appointed by this Court and they are to look into the matter and see that traffic situation adjacent to the schools improves. Let the Court be also informed about the non compliance of the directions of this Court so that suitable orders can be passed. It is further submitted that efforts shall continue and the orders of this Court will be extended to remaining schools of District Lucknow.

9. Let this Court be informed on the next date about the developments and the improvements which have taken place in this regard.

10. In light of the above, list this case on 1st October, 2024.

11u. Let Deputy Commissioner of Police (Traffic) appear on the next date of listing before this Court.

(Brij Raj Singh, J.) (Alok Mathur, J.)

Order Date:- 5.9.2024
RKM