

1.24.11.2015 Learned amicus curiae, Sri Prafulla Kumar Rath, has placed on record a copy of the judgment in Environment & Consumer Protection Foundation vrs. Delhi Administration & Others, (2012) 10 SCC 197 and submitted that the State Government was apparently not complying with the direction issued by the Supreme Court in para-9 of the judgment.

2. It was seen in course of argument that Mr. Biswanath Pradhan, Additional Secretary to Government, School & Mass Education Department, who was nominated for coordination and assisting the Court, and who proposed to produce the necessary data, has not been able to follow the successive orders of the Court and effectively assist the Court in making necessary orders.

3. In spite of initiation of proceedings in August, 2015, the progress in implementation of the provisions of the Right of Children to Free and Compulsory Education Act and the Rules made thereunder has been practically nil, even as the correct data is also not made available and only adjournments are sought on behalf of the opposite parties.

4. Therefore, learned Senior Standing Counsel for School and Mass Education Department, Mr. Sisir Das, is requested to select and appoint another officer in place of Sri Biswanath Pradhan for assisting learned counsel and the Court.

5. In view of certain admitted deficiencies and lapses on the part of the State Government even in collecting, collating and maintaining the data of children, who should be undergoing compulsory education and other deficiencies in the network of Government Schools, learned Senior Standing

Counsel, Mr. Das is requested to see that the Commissioner-cum-Secretary to Government, School & Mass Education Department remains present on the next date of hearing with the correct up-to-date basic data as regards the number of children out of school, according to the records required to be maintained under Rule 8 of the said Rules. He is also requested to take instruction as regards the time limit, within which every Government School shall have separate toilets for girls and boys and a playground as required by law. It is conceded that every Government School also needs to have the facility of portable drinking water and the minimum number of required teachers. Therefore, number of schools, where portable drinking water is not available or where there are vacancies in the posts of teachers, shall also be stated with the time limit, within which such deficiencies shall be removed.

6. Further hearing, as requested by learned Senior Standing Counsel, is fixed on 30th November, 2015 when the Commissioner-cum-Secretary to Government, School & Mass Education Department, should remain personally present to make authentic statement about the aforesaid matters.

A free copy of this order be supplied to the learned amicus curiae and learned Senior Standing Counsel for the School & Mass Education Department.

(D.H. Waghela)
Chief Justice

.....

(B.P. Ray)
Judge