

PER : D.H.WAGHELA, C.J.

12. 18.12.2015 1. The Additional Affidavit of the State Project Director, Mr. Mahendra Kumar Mallik is placed and taken on record. After considering the contents of the affidavit, it was seen that the current figures of number of children out of school in the age group of 6-14 is not available and even full details of the children enrolled anywhere in the other schools is not collected. It is stated that all the requisite information will be collected, collated and placed in public domain in accordance with the provisions of Rule-8 of the Orissa Right of Children to Free and Compulsory Education Rules, 2010 and the up-to-date data may be available after completing house to house survey in March, 2017. That time line cannot be accepted because it is the continuous obligation of the Local Authority to collect and maintain transparently and in the public domain record of all the children. Therefore, opposite parties are directed to ensure proper and continuous compliance with the relevant provisions. The latest figures should be available by March, 2016, particularly in respect of number of children out of school and their district-wise location.

2. It is further submitted that out of total 65,38,792 children in the age group of 6-14, 2,82,073 children in the age group of 6-14 are studying in Class IX and X. That figure needs to be substantiated by actual district-wise data of such children as are studying in Class IX and X before reaching the age of 14.

3. It is also stated that the Government Elementary schools have functional toilets except in 1871 number of schools not having Girls toilets and in 3966 number of schools not having boys toilets. Such deficiency is stated to be so addressed that by August, 2016, all the Government Schools shall have functional separate toilets for boys and girls.

4. It is stated that all 53,455 Government Elementary schools have drinking water facility except 582 schools. That requirement will be fulfilled by November, 2016 according to the affidavit. The State Government is stated to be in the process of identifying the lands for play ground for each school, while nearly 42500 schools do not have any play ground. It is stated that the process of ear-marking the lands for play ground shall be completed by June, 2016.

5. Since considerable ground is required to be covered by the respective departments of the State Government within the time line fixed by themselves, it would be necessary to be apprised of the progress made by the Department of School and Mass Education. Learned State Project Director Mr. Mahendra Kumar Mallik has stated that all the efforts for fulfilling the requirements of the rules will be made and coordinated under his guidance and supervision and he will be in a position to at least give in a tabulated form district-wise figures of the actual number of children out of school by the end of next month. Therefore, hearing is adjourned to 28.1.2016. It can be hoped that the officers concerned of the Department of the School and Mass Education and officers concerned at the District level will ensure that the house to house survey and drive to enroll each and every child in the age group of 6-14 and provision of healthy mid-day meal and portable water will be progressively carried across the State and in each school with speediest possible recruitment and appointment of teachers where they are not presently available. Mr. Mallik is expected to report the progress in all these directions on the next date of hearing.

List on 28.1.2016.

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(D.H.WAGHELA)
CHIEF JUSTICE

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(S.C.PARIJA)
JUDGE

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