

In compliance to this Courts order dated 17.03.2016, the Nodal Officer, who is at present working as State Project Director, Odisha Primary Education Programme Authority (OPEPA), Odisha, Bhubaneswar has filed an affidavit on 04.04.2016. In paragraph-2 of the said affidavit, it has been reported that the total numbers of Government Elementary schools in the State of Odisha are 53,252, out of which functional toilet facility is available in 49,718 schools, meaning thereby, 3,534 schools (2527 boys and 1007 girls) are without any toilet facility. In the said affidavit, time frame for providing such facility in the remaining 3,534 schools is said to be up to August, 2016.

Mr. P.K. Rath, learned counsel, who has been appointed as Amicus Curiae by this Court, has submitted that even the schools where it is stated by opposite parties that toilets have been provided, do not have water supply and as such, the same cannot be said to be functional toilet.

Mr. Mahendra Kumar Mallik, the deponent in the affidavit is directed to give details of the toilet where running water is available and where such facility is not available.

As regards safe drinking water is concerned, what is stated in the affidavit is that 52,963 schools are provided with safe drinking water and only 289 schools do not have such facility, but in those schools also stored water is provided to the students for drinking. The affidavit makes it clear that by November, 2016 safe drinking water would be provided to all the schools.

As regards playground is concerned, only 11,192 schools have such facility whereas, 42,060 schools do not have such facility. The affidavit indicates that by June, 2016 land for providing playground for all the remaining schools would be identified and thereafter provided in a phased manner. Let an affidavit with regard to the identification of the land for playground be filed by the next date and also indicate as to within how much time for such facility would be provided.

In paragraph-3 of the affidavit it is stated that there are 2,06,013 teachers in the State working in the Government Elementary schools, which includes 1,21,184 regular teachers, 62,317 Shikshya Sahayaks and 22,512 Gana Sikshyaks. It is stated that the Shikshya Sahayaks have also the qualification of regular teachers and they are regularized as teachers after six years of contract appointment. As regards Gana Sikshyaks are concerned, it is stated that though such teachers have no requisite qualification, but after acquiring necessary experience and minimum qualification, they are regularized. It is also stated in the said paragraph that recruitment against the vacancy of 7508 posts of teachers (Shikshya Sahayaks) will be completed by end of May, 2016. Let an affidavit in this regard be filed by the next date.

Although a chart with regard to students enrolled in the various Government Elementary schools between the age group of 6 to 14 has been given in paragraph-4 of the said affidavit, but Mr. S. Das, learned Senior Standing Counsel for the School and Mass Education Department has submitted that the said chart is not clear and proper figures with regard to the children, who have been enrolled between the age group of 6 to 14 along with other details would be given after a survey on the same which shall be completed by end of June, 2016.

In paragraph-5 of the said affidavit, it is stated that out of 53,252 Government Elementary Schools only 376 schools have no permanent building. Out of that construction work has been undertaken in 32 schools, which would be completed by March, 2017. It is further stated that though funds are available for construction of buildings in respect of 80 schools, but the same could be undertaken because of non-availability of land, which is being identified. It is also stated that as per the Rights to Education norms, 6,605 more class rooms are required to be constructed for which steps are being taken. The details with regard to the progress of the same shall be given in the form of affidavit by the next date.

It is pointed by Mr. P.K. Rath, learned counsel that even though there are 2,06,013 teachers working in the Government Elementary Schools, but posting of the teachers is not rationalized so as to maintain the pupil-teacher ratio. What is stated is that, in certain schools there are more teachers as compared to the number of students and in certain schools located in remote areas the pupil-teacher ratio is very low.

Mr. S. Das, learned Senior Standing Counsel for the School and Mass Education Department has stated that proper steps with regard to rationalization of the posting of the teachers is being taken and report in that regard shall be submitted in the form of affidavit in the next date.

List it on 11th July, 2016.

(VINEET SARAN)  
CHIEF JUSTICE

(DR. B. R. SARANGI)  
JUDGE