

AFR

Neutral Citation No. - 2024:AHC:194146

Court No. - 49

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 1911 of 2024

**Petitioner :-** Jai Bhagwan

**Respondent :-** State Of Up And 6 Others

**Counsel for Petitioner :-** Awadhesh Kumar Mishra, Sunil Kumar Singh

**Counsel for Respondent :-** Abhitab Kumar Tiwari, Sunil Kumar Singh, C.S.C.

**Hon'ble Saurabh Shyam Shamsbery, J.**

1. This public interest litigation has been filed to keep a playground of a Government School of Village Kakkerpur, Post Bhuni, Sardhana, District Meerut, free from any encroachment as there was an apprehension that in the garb of lease to School's Farm land, playground of concerned School will be disturbed.

2. During hearing it was revealed that due procedure to lease out was not followed and income generated was not deposited in School's account, therefore, this Court extended the scope of present public interest litigation and appointed Sri Vipul Kumar and Sri Rai Sahab Yadav, Advocates as Amicus Curiae and asked them to visit the concerned School as well as other Schools and to submit a report.

3. Sri Vipul Kumar and Sri Rai Sahab Yadav, Advocates have submitted a report alongwith supplementary suggestions today, which are taken on record. Court also heard their submissions.

4. I have carefully perused the report. Sri Vipul Kumar and Sri Rai Sahab Yadav, Advocates have visited many Schools running under the jurisdiction of District Basic Education Officer, Meerut and they have pointed out certain irregularities and shortcomings. In one of the School facilities were utilized upto the best and even Adharshila Lab was working very efficiently.

5. In the report it has been disclosed that there are 53 Schools within the District Meerut, where there are School Farm. It is also pointed out in report that in terms of Government Order dated 31<sup>st</sup> July, 2018, in order to lease out

such School's Farm land, a Committee has to be constituted having Gram Pradhan or Nagar Palika Adhyaksha as President and a person nominated by Sub-Divisional Magistrate, above the rank of Naib Tehsildar and Principal of concerned School as its Members. The report further states that such Committee is not constituted in every such Schools and without their express consent Schools' Farm land were leased out. So far as present School is concerned, a First Information Report was lodged against earlier Principal as well as present Principal has also committed an error as in order to submit his reply, he has appointed a person, who was supposed to be beneficiary of proposal of lease.

6. Some of the suggestions given by Sri Vipul Kumar and Sri Rai Sahab Yadav, Advocates in their report as well as supplementary suggestions are reproduced hereinafter:

"शिक्षा सुधार सम्बन्धी सुझाव

- विद्यालयों में शिक्षा सम्बन्धी जाँच करने पर पाया गया कि बेसिक शिक्षा परिषद के विद्यालयों में छात्रों की संख्या लगातार कम होती जा रही है। शिक्षा को लेकर अध्यापक उदासीन दिखे, छात्रों में पढ़ाई के प्रति रुचि नहीं दिखी।
- कई विद्यालयों में 50 छात्र से कम की संख्या है। सरकार द्वारा शिक्षा पर विशेष अभियान चलाया जा रहा है। विद्यालय भवन बनवाये जा रहे हैं। फर्नीचर, मिड-डे-मील, स्कालरशिप, ड्रेस, बैग आदि प्रदान किये जा रहे हैं फिर भी छात्रों की संख्या कम होती जा रही है।
- अभिभावक द्वारा अंग्रेजी मीडियम स्कूल में अपने बच्चों को पढ़ाने पर जोर दिया जा रहा है परिषदीय विद्यालयों में मात्र गरीबों के बच्चे आते हैं प्राथमिक और उच्च प्राथमिक विद्यालयों में हिन्दी व अंग्रेजी मीडियम दोनों की सुविधा प्रदान किया जाना चाहिए।
- जब से विद्यालय में भोजन बनना शुरू हुआ शिक्षा का स्तर गिरता जा रहा है। विद्यालय सिर्फ शिक्षा के लिए होना चाहिए यदि सरकार गरीब व्यक्ति के बच्चों की मदद करना चाहती है तो बच्चों को स्कालरशिप या बच्चों के घर खाद्यान देकर मदद किया जा सकता है किन्तु विद्यालय में शिक्षा पर जोर दिया जाना चाहिए।

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- सरकारी विद्यालयों में छात्रों का फर्जी पंजीकरण पाया गया। छात्र सरकारी व प्राइवेट दोनों विद्यालयों में पंजीकृत पाये गये। पढ़ने के लिए प्राइवेट विद्यालय में जाते हैं तथा सरकारी सुविधा लेने के लिए सरकारी विद्यालय में जाते हैं। अध्यापकों द्वारा भी छात्रों की फर्जी इन्ट्री करके विद्यालय में छात्रों की संख्या अधिक दिखाया जाता है तथा उनको मिलने वाली सुविधाओं का दुरुपयोग किया जाता है।
- प्राइवेट विद्यालय प्रतिवर्ष किताबें बदल देते हैं जिस कारण पुरानी किताबें प्रतिवर्ष कुड़े में चली जाती हैं जिससे शिक्षा महंगी होती चली जा रही है। आज से लगभग 20-25 वर्ष पहले एक किताब से लगभग दसों लोग पढ़ा करते थे। बड़े भाई-बहन की किताब छोटे भाई-बहन पढ़ा करते थे जिससे अभिभावक पर बच्चों की पढ़ाई पर कम खर्च होता था।
- सरकारी विद्यालयों में प्रतिवर्ष निःशुल्क किताबें बच्चों में बाँटी जाती है किन्तु पुरानी किताबें जमा नहीं करायी जाती जिससे सरकार पर अत्यधिक भार बढ़ता जा रहा है और शिक्षा महंगी होती जा रही है।
- निःशुल्क दी गई किताबे सत्र समाप्त होने पर जमा करा ली जानी चाहिए तथा उनकी बाइन्डिंग करा के नये सत्र के छात्रों को वितरित की जानी चाहिए, जो छात्र पुरानी किताबें नहीं जमा करते उनसे किताब का शुल्क जमा कराया जाय।
- वन नेशन वन एजुकेशन की अवधारणा होनी चाहिए। सरकारी और प्राइवेट विद्यालयों में एक ही किताब होनी चाहिए ताकि शिक्षा का एक आधार हो ऐसा न होने पर अलग अलग विद्यालयों में शिक्षा ग्रहण कर रहे छात्रों के बौद्धिक तथा तार्किक विकास में असामानता होती है जिस कारण प्रतियोगी परीक्षाओं में दो अलग अलग पैटर्न से पढ़े छात्रों को असुविधा होती है।
- आज के तकनीकी और आधुनिक युग में विद्यालयों में भी तकनीकी शिक्षा को महत्व दिया जाना चाहिए। हमें चीन व जापान से सीख लेनी चाहिए वहाँ की शिक्षा बेरोजगार नहीं पैदा करती। आवासीय विद्यालय ज्यादा होने चाहिए जहाँ बच्चे विद्यालय में रहकर शिक्षा ग्रहण करें तथा अपने काम स्वयं करें और अनुशासन में रहना सीखें।
- जिस समय विद्यालय के पास भवन नहीं थे सुविधायें नहीं थे विद्यालय आम व महुआ के पेड़ के नीचे चला करते थे शिक्षक को वेतन बहुत कम मिलता था उस समय विद्यालय में शिक्षा अच्छी हुआ करती थी और बच्चों की संख्या बहुत अधिक रहा करती थी,

शिक्षक भी बड़ी मेहनत से कार्य करते थे। आज इसका उल्टा है भवन है, सुविधायें हैं, शिक्षक हैं, शिक्षक को अच्छा वेतन मिलता है किन्तु विद्यालय में छात्र नहीं हैं, शिक्षक पढ़ाने नहीं आते। परिषदीय विद्यालयों में शिक्षा का स्तर बहुत गिर गया है।

#### विद्यालय फार्म प्रबन्धन सुझाव

- निरीक्षण के दौरान यह पाया गया कि जिन विद्यालयों के पास कृषि फार्म की भूमि पायी गई है उनके द्वारा इसका उपयोग नहीं किया जा रहा है।
- विद्यालय फार्म की जमीन पर अवैध कब्जे पाये गये, एक बार ठेके पर भूमि प्राप्त कर लेने पर लोग अवैध कब्जा कर लेते हैं।
- विद्यालय फार्म की भूमि को ठेके पर उठाने पर प्राप्त धनराशि गबन किया गया, कृषि ठेके की धनराशि को विद्यालय के विकास के लिए प्रयोग नहीं किया गया।
- विद्यालय की जो कृषि भूमि है उसे विद्यालय द्वारा बाउन्ड्रीवाल बनाकर या लोहे के एन्गल और कटीले तार लगाकर उसमें लकड़ी वाले वृक्ष जैसे पापुलर, युकेलिप्टस लगाये जा सकते हैं जो 10 वर्ष में स्कूल के लिए अच्छी आय का स्रोत बन सकते हैं।
- विद्यालय की खाली पड़ी भूमि पर खेल ग्राउण्ड, मिनी स्टेडियम या विद्यालय अपने अन्य उपयोग में ले सकता है। खाली भूमि पर गाँव के लोग कब्जा करने लगते हैं अतः विद्यालय फार्म की भूमि को खाली नहीं छोड़ना चाहिए।
- विद्यालय फार्म को नियमित रूप से ठेके पर देकर उससे प्राप्त आय को विद्यालय के विकास के रूप में खर्च कर विद्यालय का विकास किया जा सकता है।
- विद्यालयों को कृषि भूमि इसलिए दी जाती थी क्योंकि बच्चों से कृषि करायी जाती थी। उनको छोटे-छोटे भू-भाग उपलब्ध करा के अलग-अलग प्रकार की फसलें उगाने के लिए कहा जाता था। जिससे विद्यार्थियों को कृषि से संबंधित जानकारी होती थी। आज विद्यालय ने यह सब कराना बन्द कर दिया है।

#### Some more suggestions apart from consolidate report

*Education is one of the key factors that significantly determines the development of any country. Thus, it must and ought to change according to the needs of the times and the changing scenario. It provides an opportunity to reflect seriously on humanity's social, economic, cultural, ethical and spiritual issues.*

*The National Education Policy, 2020 (for brevity referred as NEP, 2020 hereinafter) is the first Education Policy of the 21st century which aims to address the various growing developmental imperatives of our country. It is built on the foundational pillars of Access, Equity, Quality, Affordability and Accountability.*

*With emphasis on the early childhood care and education. The foundation stage is further divided into 2 parts i.e. 3 years of pre-school or Anganwadi, followed by classes 1 & 2 in a primary school. This will cover children of ages 3 to 8 years. The focus of studies will be in activity based learning. Preparatory stage is from class 3 to 5 which will cover children of the ages 8 to 11 years. It will gradually introduce subjects like speaking, reading, writing, physical education, language, art, science and mathematics. Middle stage is from class 6 to 8 which will cover children of the ages 11 to 13 years. It will introduce children to more abstract concept of mathematics, science, social sciences, arts and humanities. When we visited checked it composite schools upto 8th standard, we found touchstone of foundational pillars of NEP, 2020. These schools are established in villages for the purposes of easy accessibility and affordability which are accomplished with its establishment but these schools are lacking equity and quality education except few ones. So far as the question of accountability is concerned, we found that teachers in most of schools haven't sense of responsibility towards students. Those schools, which are well maintained and students are well equipped with the subjects are outcome of their hard-work as well as of their teachers.*

*It is pertinent to mention here that schools, namely, P.M. Shri Uchcha Prathamik Vidyalay, Mohiuddinpur, Vikas Khand Meerut Gramin, Meerut and Uchcha Prathamik Vidyalay, Bahlolpur, Meerut have a well equipped Adharshila lab which provide the best way to learn about technology, science and space. Students were able to learn all about those topics in school using different working models and electronic devices. A dream concept is designed for students from which they will know about the possible career opportunities in which they can build their future with a concept of learning by doing at an early age when they are still developing their cognitive faculty. The idea behind Adharshila is to make sure that every child has access to scientific lab regardless of their location or socio-economic status. This way every child may get an opportunity for learning something new even if they don't have access to these scientific instruments and computers at home.*

*Since we have checked, and realized the ground realities prevailing in those schools, we are in a position to give certain suggestions in order to improve the pathetic conditions of composite schools:-*

*(i) There must be Adharshila lab in each and every school and every endeavour be made for its establishment. In fact, this novel concept of this type of lab is in consonance with the Fundamental Duties enshrined under Article 51A(h) of the Constitution of India. For ready reference, it is reproduced as under-*

*“It shall be the duty of every citizen of India-(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;”*

*(ii) There should be frequent surprise checking of composite schools by their higher authorities of the department so that teachers of school shall discharge their duties with sense of accountability and could not shun their responsibility.*

*(iii) Last but not the least the government schemes meant for the betterment and development of children especially in the field of education and large money is spent on these may not go in waste due to laxity on the part of any of its stakeholders.”*

7. Sri Hrishabh Shukla and Ms. Diksha Shukla, Research Associates attached with me have also given following suggestions:

(I) Bio-metric attendance for Teachers should be made compulsory to ensure their attendance.

(II) Installation of digital equipments (CC Cameras, Voice Recorders) for surveillance of classes, supervised by an officer of Block level.

(III) There should be education awareness drive and campaign in every village conducted by Teachers of School.

(IV) Attendance of atleast 70% should be made mandatory for every student to appear in annual examination.

(V) District Basic Education Officer concerned should visit every school atleast twice in a year for the purpose of inspection and to remove shortcomings.

(VI) Teachers should be appointed on basis of subject and classes and not on basis of strength of students of School.

(VII) Duty of Teachers should be confined for teaching only and there should be separate staff for other kind of work.

(VIII) Benefits of Government schemes to students should be in proportion to their attendance and not merely on basis of admission so that attendance of students be increased.

(IX) Parent-Teachers meeting should be conducted atleast on monthly basis so that guardians are also aware about education system and also give their suggestions.

(X) Morning assembly in school should be conducted in presence of all Teachers and the Teacher, not present, should be marked as absent because of presence of Teachers will maintain discipline in students as well as boost the confidence of parents.

(XI) There should be proper staff to ensure cleanliness in School and Village Pradhan should be held accountable on failure of cleanliness.

8. In aforesaid circumstances, this public interest litigation is disposed of with following directions:

(I) No School's Farm land will be leased out without a reasoned decision taken by above referred Committee of concerned School.

(II) The Committee shall consider the condition of earlier lease, their consideration and whether earlier income generated was deposited in School's account or not. Committee shall also take note of antecedent of lessee.

(III) District Basic Education Officer, Meerut will take note of shortcomings pointed out in report and will take necessary steps to address.

(IV) District Basic Education Officer, Meerut will communicate all 53 Schools of District Meerut about this order.

(V) District Magistrate, Meerut as well as District Basic Education Officer, Meerut will take note of report and its suggestions and take all efforts to implement it, as far as possible, if there is no legal impediment and if necessary be forwarded to Higher Authority for consideration.

9. A copy of this order alongwith report and supplementary suggestions be sent to District Magistrate, Meerut and District Basic Education Officer, Meerut and for that Office of Advocate General will take appropriate steps.

10. The Court extends it's gratitude towards Sri Vipul Kumar and Sri Rai Sahab Yadav, Advocates as well as Sri Hrishabh Shukla and Ms. Diksha Shukla, Research Associates, for their valuable assistance.

**Order Date :-** 11.12.2024

AK