

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 7121 of 2010

DATE OF DECISION : MARCH 20, 2012

ARUN KUMAR

..... PETITIONER

VERSUS

STATE OF HARYANA & ORS.

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI, CHIEF JUSTICE
HON'BLE MR. JUSTICE MAHESH GROVER

PRESENT: Mr. GP Singh, Advocate, for the petitioner.
Mr. Narender Hooda, Senior Additional Advocate
General, Haryana.

RANJAN GOGOI, C.J. (Oral)

This Public Interest Litigation has been filed seeking directions from the Court for appointment of adequate teachers in the Government Primary Schools and Government Middle Schools named in the writ petition. According to the petitioner, there is a shortage of JBT Teachers in the said schools and particularly after coming into force of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as 'the Act'), the student-teacher ratio in the schools in question has drastically fallen in comparison to what has been prescribed under the Act. Hence the writ petition seeks the directions earlier noticed.

On the strength of several orders passed by the Court

from time to time, particularly the order dated 12.3.2012, the Financial Commissioner and Principal Secretary to Government of Haryana, School Education Department has filed an affidavit in Court today giving the details of the number of JBT Teachers required to be appointed in the State under the Act; the number of sanctioned posts of JBT Teachers; the shortfall; the number of Teachers actually working and the vacancies available. The above figures which have been compiled in the form of a chart mentioned in para-6 of the affidavit indicates that 1189 posts of JBT Teachers are required to be sanctioned and 10414 posts out of the sanctioned posts are vacant. Insofar as the additional vacancies are concerned, in the affidavit filed it has been stated that the said posts will be included in the Annual Plan 2012-13 for the Sarv Shiksha Abhiyan and would be submitted to the Government of India for its approval as the financial liability on the said account is to be shared between the Central Government and the State Government. In the affidavit filed, it has further been stated that on receiving the necessary approval from the Government of India, the posts will be filled up by a process of fresh recruitment. Insofar as the vacant posts (10414 numbers) are concerned, it has been stated that recruitment against 544 posts of JBT Urdu Teachers is being undertaken separately and a requisition has been sent to the Haryana School Teachers Selection Board for filling up the remaining 9870 posts. In para-10 of the affidavit, it has been stated that on the basis of the discussions held with the Haryana School Teachers Selection Board a tentative schedule

has been worked out for filling up 9870 posts. According to the said schedule, commencing with the advertisement and ending with the sending of recommendations to the Government, a total of 322 days (tentatively) are required for completion of the process by the Board. In the affidavit filed it has been further stated that 1685 surplus Teachers have been identified in 1058 schools throughout the State and the process of deployment of such Teachers is already under process.

The affidavit dated 19.3.2012 of the Financial Commissioner and Principal Secretary to Government of Haryana, School Education Department filed in Court today indicates the roadmap that the State has drawn for itself for filling up the required posts of JBT Teachers so as to conform to the provisions of the Act. Reading the affidavit of the Principal Secretary, the Court finds that the State is committed to initiate and complete the process of creation of posts and filling up the same (1189 numbers); the process of adjustment of 1685 surplus Teachers and also the process of appointment against 9870 vacant posts of JBT Teachers.

In view of the above, we do not think it would be necessary for us to continue to monitor the actions of the State any further. On the contrary, we deem it appropriate to close the writ petition by directing the State of Haryana to initiate and complete the necessary action in terms of the averments made in the affidavit dated 19.3.2012 of the Financial Commissioner and Principal Secretary to Government of Haryana, School Education Department and to adhere to the various time

schedules mentioned in the said affidavit. We also make it clear that no major departure from the schedule set out in the affidavit or the plan of action contemplated therein will be made by the State and any such departure will be viewed by this Court as a violation of the present order.

The Public Interest Litigation stands closed in terms of the above directions.

(RANJAN GOGOI)
CHIEF JUSTICE

March 20, 2012
Kang

(MAHESH GROVER)
JUDGE