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**CWP-23384-2017 (O&M)****AMARJEET AND OTHERS**

V/S

**STATE OF HARYANA AND OTHERS**

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Present: - Mr. Pardeep Kumar Rapria, Advocate and  
Ms. Ripu Daman Boora, Advocate  
for the petitioners.

Ms. Shruti Jain Goyal, Sr. DAG, Haryana.

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Noticing a large number of anomalies and inaction by the official respondents in providing the basic amenities/facilities to the students in Government Schools, an affidavit had been sought from the Director General of Secondary Education vide order dated 31.10.2022. Pursuant thereto, an affidavit was filed giving details with respect to the grants/budget allocations received from Union of India as well as the State Government for providing the education facilities to children including the infrastructure facilities/amenities alongwith the utilization of the funds.

In compliance thereof, an affidavit dated 25.11.2022 had been filed as per which, in relation to the grant received from the Government of India, a sum of Rs.1,176.38 crores could not be utilized over a period of 10 years while the budget allocation of Rs. 13,420.97 crores by the State Government remained unutilized for the same period. Perturbed by such heavy non-utilization of the allocated budget including staff salaries, schemes & instructional & infrastructural facilities especially when the State

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education infrastructure is in shackles & needs immediate attention of the policy frames, it was deemed necessary to seek some additional information. All the aforesaid aspects were noticed by this Court in its order dated 15.03.2023 and further details were sought from the Department on the following aspects:-

*“(i) The details of year-wise allocation/receipt of grant from State/Union of India towards infrastructural requirements; scholarship; salary; fixtures and furniture; books; energy, motor vehicles, medical etc. by the Department of Secondary Education; Higher Education and Primary Education and its utilization in respective category.*

*(ii) The total demands for respective heads above made by Schools in the State of Haryana.*

*(iii) The demands for respective heads approved; budgetary and financial approvals granted, along with date of such administrative approval.*

*(iv) The status of execution of such works/utilization of such approved budgetary heads.”*

In compliance thereto, an additional affidavit has been filed by the Director, Secondary Education, Haryana wherein he has given details pertaining to the budget allocation, expenditure and excess/surrendered school budget for the Financial Years 2012-2013 to 2022-2023. It is evident that there is a surrender of the budget allocation by the respondent-Department every year. There has been a surrender of Rs.6794.07 crores against the State schemes and Rs. 3881.92 crores under Centrally Sponsored Schemes, bringing the total surrendered amount to Rs. 10,675.99 crores. As against the requirement of infrastructure and other basic facilities in the

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Government Schools, the details have been tabulated in para 6 of the said affidavit which is extracted as under:-

***Requirement of Infrastructure and other basic facilities  
in Government Schools***

		<b><i>Budget required (in Crore)</i></b>
<i>No. of Schools</i>	14281	
<i>Total available + Under Construction Classrooms</i>	95363	
<i>Available Other Rooms</i>	42945	
<i>Additional Classrooms required</i>	8240	947.60
<i>Other Rooms required*</i>	5630	703.75
<i>Boundary Wall</i>	321	86.54
<b><i>Total</i></b>		<b>1737.89</b>
<b><i>Basic amenities</i></b>		
<i>No of Schools not having functional Drinking Water Facility</i>	131	0.92
<i>Schools without boys toilets</i>	1047	25.44
<i>Schools without girls toilets</i>	538	15.60
<i>Electricity connection</i>	236	4.18

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<i>not available in Schools</i>		
<b>Total</b>		<b>46.14</b>

<b>Budget available for year 2023-24</b>	<i>Physical</i>	<i>Financial (in Crore)</i>
<i>Rooms Class</i>	1456	144.74
<i>Rooms Other</i>	1267	162.38
<i>Facilities Basic</i>		46.14
<i>Maintenance and repair of School bindings</i>		70.96
<b>Total</b>		<b>424.22.</b>

The affidavit filed by the Director is nothing more than jugglery of statics with no commitment to addressing the core issues that are glaring and a staring in the face of the affidavit filed by the Director himself. There is a complete silence maintained about the timelines within which such basic amenities like toilets in the boys/girls schools as well as the electricity connection and drinking water facilities would be made available apart from the fact that the additional class room requirements and additional other room requirements has itself been assessed by the respondent-department at more than 13000. The running State of the affairs of the Department by the Directorate and the Principal Secretary thus leaves much room for

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improvement and pro active vision and leadership, a quality found severally in the lacking.

It seems that the officials in the Department of Education are shifting the burden rather than shouldering the responsibility and finding excuse for their inability to meet the obligation to the society for providing quality education to the citizens of tomorrow. The Government's insensitivity is glaring as Govt. Schools yearn for rooms, electricity, toilets as well as drinking water. With the Govt. of India vigorously pursuing 'Swachh Bharat' Mission and wanting setting up toilets for every household and repeated instances of girls being sexually harassed and assaulted in schools in Haryana, absence of toilet in 538 girls schools only highlights the plight and condition at the ground level. Absence of any crystallized action plan only reflects that there is complete lack of planning on the part of the respondent-authorities. The position has remained unchanged even though this Court had at an earlier occasion made an attempt to sensitize the officials by calling the Director of the School Education as well as the Principal Secretary of School Education and requesting them to come up with complete action plan so that the above said issues pertaining to basic amenities could be redressed. An assurance was given during the course of hearing that expeditious steps would be taken to resolve the basic issues. Despite a lapse of more than 8/9 months, there seems to be no improvement in the statics that are being filed by the respondents before this Court.

This does not leave much scope for this Court but to require personal appearance of the officials, whose's presence had been exempted by this Court vide its order dated 19.04.2023 until further orders. Let the Principal Secretary, Department of Education as well as the Director,

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Secondary Education remain present in Court on the next date of hearing. They shall also file their affidavit giving the timelines within which the pending approved works of infrastructure and basic amenities shall be completed by the respondents and a compliance report be filed before this Court. Further, as a mark of anguish and displeasure, this Court impose a cost of Rs. 5 lakhs. This amount shall be transferred to the Department of Women and Child Development, Haryana, to be utilized for the welfare of the 'children homes'. The proof of deposit of cost shall be furnished before this Court within a period of 10 days. The question of fixing administrative responsibility for the lapses committed shall be kept open.

To come up on 15.12.2023 for further consideration.

A copy of this order be given to the learned State counsel under the signatures of the Court Secretary for necessary compliance.

**NOVEMBER 23, 2023***Vishal sharma***(VINOD S. BHARDWAJ)  
JUDGE**