

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 15395 of 2015**

*Secretary, High Court Legal Services ....* *Petitioner*  
*Committee*

Mr. Prafulla Kumar Rath, Amicus Curiae

*-versus-*

*Chief Secretary to Government of ....* *Opposite Parties*  
*Odisha and Others*

Mr. D.R. Mohapatra, Senior Standing Counsel  
School and Mass Education Department

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE M.S. RAMAN**

**ORDER**  
**28.02.2023**

**Order No.**

28. 1. The Court has perused the report dated 22<sup>nd</sup> February, 2023 submitted by Sri P.K. Rath, learned Amicus Curiae who has visited 7 (seven) schools in Boudh district of which four are Upper Primary (U.P.) Schools located in the villages of Marjakud, Khairamal, Deuli, Damamunda and Primary Schools at Ghul Ghula Padar, Junani and Rugudipali. Copy of the said report has already been provided to Mr. D.R. Mohapatra, learned Senior Standing Counsel for the School and Mass Education (SME) Department.
2. The photographs attached to the report depicts a dismal picture of the infrastructure, if it at all can be called that, in the said seven schools. Basic amenities like potable drinking water, bench and desk, separate functional toilets for boys and girls, electricity, play ground are not available. This is apart from the lack of adequate teachers and drop in the attendance/enrolment rate of students. The

report of the AC states that in the Marjakud U.P School, Classes III and IV are sharing one classroom. The situation in the Khairamal U.P. School was equally pathetic. There was one teacher for Classes IV and V and Classes II and III were sharing one classroom. There was no bench or desk provided to the students of Classes IV and V who are sitting in one classroom opposite to each other.

3. The situation at the Ghul Ghula Padar Primary School is, to say the least, shocking. All the students from Classes I to V are sharing one classroom sitting on the open floor. One blackboard is available in the entire hall. There is no office room for the school. No toilet, no drinking water facility, no play ground. No bench and desk provided in the classroom. Students are using the open space for attending calls of nature. There is no potable drinking water facility in the school.

4. This Court does not propose to list out the other details in the report, which is now available with the State Government. The Court expects the Commissioner-cum-Secretary to Government, SME Department, Smt. Aswathi S., to immediately examine the report of the AC, which in any event is only a representative sample of seven schools in Boudh district. The Commissioner-cum-Secretary will immediately convene a meeting of the Collector, Boudh and the District Education Officer (DEO), Boudh and ensure that funds are immediately released for the repair, upgrade and upkeep of all the above seven schools and any other schools in Boudh district, which may require immediate attention. In the seven schools that have been visited by the learned AC, steps should be taken immediately considering that this is the close

of the academic year and the schools are likely to be closed for summer vacations. It must be ensured that before reopening, the repairs in all the seven schools are carried out. The basic minimum facilities should be made available in each of the schools which would include electric power supply, provision of light and fan, separate functional toilets for boys and girls, potable drinking water facilities, separate classrooms for each class, bench and desk for each of the students, proper useable blackboards, fans, lighting and other basic comforts apart from play ground facilities.

5. The Court directs that Commissioner-cum-Secretary to Government, SME Department to properly instruct the DEO to send her periodic reports on a weekly basis with photographs about the actual repair/ upgradation works undertaken in each of the schools. This entire exercise must be strictly monitored and a comprehensive report should be submitted before this Court with photographs before the next date.

6. The Court proposes to hereafter take up the above exercise district wise. In the meanwhile Ms. Aswathy, S., Commissioner-cum-Secretary to Government, SME Department will on her own undertake the exercise of calling for reports with photographs from each of the DEOs which would show the actual physical condition of the schools whether they are Primary Schools or U.P. Schools. Each such report will indicate the availability of each of the above facilities, as noted, in the form of a checklist.

7. Without waiting for the further orders from this Court, a detailed plan of action will be drawn up by Ms. Aswathy. S Commissioner-cum-Secretary to Government, SME Department of the time

period within which the repairs and upgrade of all these schools will be undertaken. When the next academic year begins, the U.P. Schools and Primary Schools in the Districts in Odisha must have most of the basic facilities that have been highlighted in this order. This exercise has to be undertaken on a war footing. The Court hopes that in the recent budget that has been passed, funds have been allocated for the above purpose. It is essential that it is used for that purpose at the earliest so that the benefit reaches all the children studying in these schools.

8. In the next phase of this matter, the Court would take up the issue of adequacy of staff and of enrolment of students.

9. A copy of this order be sent forthwith to Ms. Aswathy, S., I.A.S., Commissioner-cum-Secretary to Government, SME Department for her immediate action. A compliance affidavit be filed by her by the next date.

10. List on 27<sup>th</sup> April, 2023 at 2 pm.

***(Dr. S. Muralidhar)***  
***Chief Justice***

***(M.S.Raman)***  
***Judge***

*S.K. Jena/Secy.*