



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 11613/2025

Suo Motu

----Petitioner

Versus

Union Of India

----Respondent

Connected With

D.B. Civil Writ Petition No. 3673/2013

Radha Shekhawat

----Petitioner

Versus

State Of Raj And Ors

----Respondent

D.B. Civil Writ Petition No. 8990/2013

Prof Rajeev Gupta And Anr

----Petitioner

Versus

U O I And Ors

----Respondent

D.B. Civil Writ Petition No. 13769/2014

Suo Moto

----Petitioner

Versus

U O I And Ors

----Respondent

D.B. Civil Writ Petition No. 16406/2022

Social Jurist, A Civil Rights Group

----Petitioner

Versus

State Of Rajasthan

----Respondent

D.B. Civil Writ Petition No. 8679/2025

Mohammad Shariph S/o Shakur

----Petitioner

Versus

The State Of Rajasthan

----Respondent

D.B. Civil Writ Petition No. 11527/2025



Suo Motu In The Matter Of Safety And Well Being Of School
Going Children

-----Petitioner

Versus

Union Of India

-----Respondent

For Petitioner(s)	:	By Court Order Mr. Swadeep Singh Hora, Adv. assisted by Mr. Abhimanyu Singh, Adv. Mr. Prateek Kasliwal, Adv. assisted by Ms. Gauri Jasana, Adv. Mr. Pradeep Sharma, Adv. Mr. Ashok Agarwal, Adv.,Through VC Mr. Sunil Samdaria, Adv. Mr. Tanmay Dhand, Adv. Ms. Naina Saraf, Adv. assisted by Mr. K.S. Rawat, Adv. Mr. Pradeep Mathur, Adv. Mr. Alok Garg, Adv.
For Respondent(s)	:	Mr. Rajender Prasad, (Senior Advocate), Advocate General assisted by Ms.Dhriti Laddha, Adv. Mr. Vagish Kumar Singh, Adv. Ms. Chanchal, Adv. for Mr. Rajneesh Gupta, Adv. Mr. Bharat Vyas (Senior Advocate), ASG with Ms. Niti Jain Bhandari, Adv. Ms. Pooja Sharma, AAAG on behalf of Mr. Manoj Sharma, AAG Mr. Krishna Verma, Adv. Mr. Sachin Singh, AAAG & Mr. Hamir Shekhawat for Mr. S.S. Naruka, AAG

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

28/03/2026

Learned Advocate General does not press for application no.
2/2025.

The application No. 02/2025 is dismissed accordingly.

The Chief Secretary, Government of Rajasthan has, vide affidavit dated 14.03.2026, delineated a five year plan for construction of new school buildings, major and minor repair of dilapidated school buildings/rooms as also, construction and repair of toilets in the schools; all in phased manner.

After hearing the learned Amicus Curiae, the learned Advocate General, the learned Additional Solicitor General of India as also the learned counsels for the respective parties, we deem it just and proper to issue following directions; as broadly agreed:

(I) The State Government shall implement the plan at the earliest and in no case, later than the time frame detailed out in the affidavit filed by the Chief Secretary dated 14.03.2026.

(II) The construction and repair shall be carried out strictly in conformity with the Building Norms laid down by the National Commission for Protection of Child Rights for school building, classroom, laboratory, kitchen, toilets, drinking water, electrical system & safety, fire safety management, earthquake management, playground, minimum standards for safety related to sports, boundary wall & gates, school premises & surroundings, barrier free access for children with disabilities, measures to prevent children from dangers of water & drowning, safety from constructional hazards, safety during celebration of festivals, safety in school transports and clearances and certificates, the guidelines on school safety and security provided by the Ministry of Education vide letter dated 01.10.2021 issued pursuant to order of the Hon'ble Supreme Court of India in Writ Petition (Criminal)

No.136/2017, the directions issued by the Hon'ble Supreme Court of India in the case of Avinash Mehrotra Vs. Union of India and Others: (2009) 6 SCC 398 and National Building Code of India 2005.

(III) Constitution of a State Level Committee, District Level Committees, the Committees at Sub-Divisional Headquarters, at Tehsil Headquarters as well as at Panchayat Samiti Level. The State Level Committee shall comprise of following as per order dated 27.03.2026 issued by the Administrative Reforms Department with a slight modification that the Principal Secretary-RALSA may nominate an Officer not below the rank of Special Secretary:

State Level Committee:-

1. Additional Chief Secretary, Education Department – Chairman.
2. Finance Secretary (Expenditure) – Member.
3. State Project Director SMSA – Member.
4. Superintending Engineer, SMSA – Member Secretary.
5. HOD (Civil Engineering), MNIT Jaipur-Member.
6. Member Secretary-RALSA-Member (or an Officer not below the rank of Special Secretary as nominated by him).
7. Ms. Amrita Sengupta- Representative of UNICEF-Member
8. Representative of Peeramal Foundation (NGO working in Education Sector)-Member.
9. Representative of Private School Association-Member.
10. Ms. Deepak Kalra, Former Chairperson SCPCR and Founder Director- UMANG (NGO)- Member.

District Level Committee:-

1. District Collector – Chairman
2. Secretary, District Legal Services Authority-Member.
3. Executive Engineer-PWD-Member.

4. Chief District Education Officer SMSA-Member.
5. Assistant Engineer, SMSA- Member Secretary.

Sub-Divisional Headquarters Level:-

The Committee at Sub-Divisional Headquarters shall comprise of the following:-

1. Sub-Divisional Officer-Chairman
2. Nominee of Secretary DLSA-Member
3. Executive Engineer/Assistant Engineer-PWD.
4. The District Education Officer/his nominee.
5. Assistant Engineer/Junior Engineer, SMSA-Member Secretary.

Tehsil Level:-

1. Tehsildar-Chairman
2. Nominee of the Taluk Legal Service Authority-Member.
3. Assistant Engineer/Jr. Engineer, PWD at Sub-Divisional Headquarters.
4. Chief Block Education Officer-Member.
5. Junior Engineer, SMSA-Member Secretary.

Panchayat Level:-

1. Block Development Officer-Chairman.
2. Nominee of Taluk Legal Services Authority-Member.
3. Junior Engineer, SMSA-Member Secretary.

(IV) The Committees at Panchayat, Tehsil and Sub-Divisional Headquarter Level shall submit a quarterly report to the District Level Committee which shall compile and submit its report to the State Level Committee which, in turn, shall submit a concise quarterly report to this Court.

(V) The newly construction school buildings/rooms as well as buildings and rooms after repair; major or otherwise, shall be put to use within a period of 15 days from the date of their completion

as contemplated in the work order/tender after due certification by the concerned Engineer countersigned by his next immediate superior Officer. It is made clear that in case, the certification is found to be laconic / false, the concerned Officer(s) shall be responsible for disciplinary/penal action. In case of delay in certification, the Chairman of the District Level Committee shall file an affidavit disclosing the reason(s) for delay.

(VI) No school building/room shall be put to use with effect from 01.09.2026 without certification of it being safe and secure in terms of direction no.(V).

(VII) We also propose to constitute a committee comprising of, amongst other, Civil Engineering Faculty Members of IIT, Jodhpur as also NIT, Jaipur to conduct random survey of the school buildings. For this, we earnestly request Director of these institutions to send names of their interested Faculty Members within a period of two weeks. The Registrar (Judl.) is directed to remit a copy of this order to the concerned Director for information and response.

In addition to the aforesaid directions, we would like to make following suggestions to augment the funds for construction/repair of the government school as it is revealed during the course of hearing that the State has limited resources at its end for this purpose:

- 1) Constitution of a State Level Committee to manage and operate Mukhayamantri Vidyadaan Kosh. The Committee may comprise of government officials, retired Judges/officers, public spirited citizens whose integrity and reputation is

beyond reproach and is impeccable. One of the considerations for inclusion in the Committee may be the highest donor/donors over and above certain amount with good credentials. Such Committees may also be constituted at District Level, Sub-Divisional Headquarter Level, Tehsil Level as well as at Panchayat Samiti Level. The Chairman/Members of such Committee may also be required to furnish an undertaking that they shall not draw a single paisa from the aforesaid fund towards either their services or, any facility/perk.

- 2) The donations/funds so received shall only be spent on maintenance, repair/construction of school buildings/rooms/toilets or any other facility confined only to students. Its appropriation for use other than the aforesaid without prior permission of the Court shall be viewed seriously.
- 3) Wide publicity may be given by the State to the level the measures were taken during the Covid period to spread public awareness to invite public participation.
- 4) The donations/funds so received as also their usage shall be publicized by the State Government on a dedicated website for this purpose visible to all and sundry.
- 5) A wall of gratitude/a plaque of honour containing name of prominent donors may be displayed at a conspicuous place in the school.

- 6) Donors may fund/construct the school buildings/rooms/toilets or other facilities with an option to have that facility named either after them or their beloved ones.
- 7) The school building/room/toilets or other facilities so constructed from the donations/funds received or handed over by the donors after construction, shall remain property of the State Government and shall be managed only by it. In no case, it shall be leased or handed over in any other manner, to a private entity except for maintenance.

List these matters on 03.08.2026 for compliance and response of the Government on suggestions.

(ASHOK KUMAR JAIN),J

(MAHENDAR KUMAR GOYAL),J