

ITEM NO.4

COURT NO.9

SECTION X

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Writ Petition(s)(Civil) No(s). 132/2016

RAJNEESH KUMAR PANDEY &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IA No. 97659/2018 - Appropriate Orders/Directions, IA No. 174218/2018 - Appropriate Orders/Directions, IA No. 115912/2018 - Clarification /Directions, IA No. 21055/2018 - Clarification /Directions, IA No. 97663 /2018 - Clarification /Directions, IA No. 128163/2017 - Exemption from filing O.T., IA No. 30082/2018 - Grant of interim relief, IA No. 98109/2018 - Intervention application, IA No. 126356/2017 - Intervention application, IA No. 97652/2018 - Intervention application, IA No. 97651/2018 - Intervention/ Impleadment, IA No. 30187/2018 - Intervention/ Impleadment, IA No. 129598/2018 - Intervention/ Impleadmen, IA No. 107257/2018 - Intervention/ Impleadment, IA No. 21051/2018 - Intervention/ Impleadment, IA No. 174217/2018 - Intervention/ Impleadment AND IA No. 131315/2018 - Permission to file additional documents/facts/annexures)

WITH

W.P.(C) No. 876/2017 (X)

(FOR impleading party ON IA 29969/2018

FOR INTERVENTION/IMPLEADMENT ON IA 29969/2018)

Date : 07-03-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. Ashok Agrawal, Adv.  
Mr. Prashant Shukla, Adv.  
Mr. Suyash Srivastava, Adv.  
Ms. Ayushi Tripathi, Adv.  
Mr. Satyajeet Kumar, AOR

For Respondent(s)

Mr. Aman Lekhi, ASG  
Mr. Harish Pandey, Adv.  
Mr. Vijay Prakash, Adv.  
Mr. Amrish Kumar Sharma, Adv.  
Mr. Gurmeet Singh Makker, AOR

Mr. Anuvrat Sharma, AOR  
Mrs. B. Sunita Rao, AOR

Ms. Rashmi Nandakumar, AOR  
Ms. Priyanka Rao, Adv.

Mr. Vinay Garg, AOR  
Mr. Tanmaya Agarwal, AOR  
Ms. Garima Prashad, AOR

Mr. Aishwarya Bhati, AAG for U.P.  
Mr. Krishnanand Pandeya, AOR

Ms. Uttara Babbar, Adv.  
Ms. Bhavana Duhoon, Adv.

Mr. N.M. Pople, Adv.  
Ms. Anuja Saxena, Adv.  
Mr. T.Sudhakar, Adv.

Ms. Rishi Malhotra, Adv.  
Mr. Utkarsh Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Mr. Rishi Malhotra, learned Amicus Curiae has handed over a chart highlighting the problems or deficiencies noticed by him in the respective schools concerning the Class strength, teachers' ratio and other facilities. The same reads thus:

**IN THE SUPREME COURT OF INDIA**

**CIVIL ORIGINAL JURISDICTION**

**RAJNEESH KUMAR PANDEY & ORS.**

*Vs.*

**UNION OF INDIA & ORS.**

**WRIT PETITION (CIVIL) NO.132 OF 2016**

**CHART**

<b>Sr. No.</b>	<b>School</b>	<b>Problem/suggestion</b>	<b>Class/strength</b>	<b>Teacher's Ratio</b>
1.	Visually Impaired School,	1. No Medical Aid Room 2. Not a single regular computer Teacher	90 out of 100 residential students	18 out of 24 sanctioned Teachers

	Meerut (Boys)	3. Not a single Bus/Van	studying from Class I to Class XII	
2.	Visually Impaired School, Saharanpur (Girls)	1. No Medical Aid Room 2. Not a single regular computer Teacher 3. No chairs and desks for studying in the classroom 4. 6 rooms as classrooms, 6 rooms as residential rooms and 6 rooms used as Kitchen, store, Mess, Principal Office and Music room	25 out of 75 residential students studying from Class I to Class X	9 out of 24 sanctioned Teachers
3.	Hearing and Speech Impaired School, Bareilly (Co-Ed.)	1. No separate Hostel building for girls students 2. Inadequate Teaching Staff 3. No Medical Room 4. No Bus/Van 5. No Hostel Warden 6. No Hearing Impaired Specialized Teacher 7. Demand for less-cum-modified syllabus 8. Only 4 classrooms for 145 students	145 out of 340 residential students studying from Class I to Class VIII	Only 3 Teachers available
4.	Hearing & Speech Impaired School, Agra (Co-Ed.)	1. 156 students and only 2 teachers 2. There are no classrooms as there is no schools own building 3. At the moment students are studying in adjoining building of skill centre temporarily which also has only 3 classrooms 4. Requirement for separate Hostel building for girls 5. No Medical Room 6. No Bus/Van 7. No Hostel Warden 8. No Hearing Impaired specialized Teachers	156 out of 150 residential students studying from Nursery to Class X	Only 2 Teachers

		9. No geysers 10. Need for less modified syllabus		
5.	Hearing & Speech Impaired School, Farukhabad (Co-Ed.)	1. 94 students and only 2 teachers 2. There are only 2 classrooms 3. Requirement for separate Hostel building for girls 4. No Medical Room 5. No Bus/Van 6. No Hostel Warden 7. No Hearing Impaired specialized Teachers 8. No geysers	94 out of 100 residential students studying from Nursery to Class VIII	Only 2 Teachers
6.	Hearing & Speech Impaired School, Lucknow (Boys)	1. 117 students and only 5 teachers 2. No Medical Room 3. No Bus/Van 4. No Hearing Impaired specialized Teachers 5. Need for less modified syllabus 6. Need for Vocational Training Courses	117 out of 100 residential students studying from I to Class VIII	Only 5 Teachers
7.	Visually Impaired School, Lucknow (Girls)	1. No Medical Room 2. No Bus/Van 3. No Women Warden in the Hostel 4. Not a single regular Computer Teacher 5. Last maintenance of the building done in the year 2006 6. Need for Plex Talk 7. Demand for increase of Brailers from 3 to 30	96 out of 100 residential students studying from I to Class VIII	20 out of 24 Teachers
8.	Visually Impaired	1. No Medical Room 2. No Hostel Warden	127 out of 200 residential	14 out of 20 Teachers

	School, Lucknow (Boys)	3. Not a single regular Computer Teacher 4. Need for Plex Talk 5. Demand for increase of Brailers	students studying from I to Class VIII	
9.	Mentally Challenge School, Lucknow (Girls)	1. No Education set up 2. Only an Orphanage 3. No Schooling System 4. No Nurse-cum-Doctor 5. No Psychiatrist available 6. No Superintendent 7. No Bus/Van 8. No Building of its own	19 out of 50 girls	Only 2 Teachers
10.	Physically Impaired School, Lucknow (Boys)	1. No Physiotherapist 2. No Prosthetic Aid 3. No Artificial limbs 4. No Bus/Van 5. No Medical Room 6. No option to study after class X 7. No Vocational Course available 8. No Computer Teacher 9. No Sports Teacher	38 out of 50 residential students studying from I to Class X	4 out of 8 sanctioned Teachers
11.	Physically Impaired School, Pratapgarh (Boys)	1. No Physiotherapist 2. No Prosthetic Aid 3. No Artificial limbs 4. No Bus/Van 5. No Medical Room 6. No option to study after class X 7. No Vocational Course available 8. No Building of school (just 2 make shift false converted into classrooms) 8. No Computer Teacher 9. No Sports Teacher	24 out of 50 residential students studying from I to Class X	3 out of 6 sanctioned Teachers
12.	Mentally Challenge	1. No Education set up 2. Only an Orphanage	20 out of 50 Boys	Only 1 Assistant

	School, Allahabad (Boys)	3. No Schooling System 4. No Nurse-cum-Doctor 5. No Psychiatrist available 6. No Superintendent 7. No Bus/Van		Teacher, 1 P.T. Trainer, 1 Lab Assistant, 1 Pharmacist and other Assistants totalling 10 in number
13.	Hearing & Speech Impaired School, Gorakhpur (Co-Ed.)	1. 100 students and only 2 teachers 2. No Medical Room 3. No Bus/Van 4. No Hearing Impaired specialized Teachers 5. Need for less modified syllabus 6. Need for Vocational Training Courses 7. Need for new building as the existing one in dilapidated condition 8. No education material 9. only 4 classrooms	100 out of 100 residential students studying from I to Class IX	Only 2 out of 3 Teachers
14.	Visually Impaired School, Gorakhpur (Girls)	1. No Medical Room 2. No Women Warden 3. Need for 20 Plex Talk 4. Demand for increase of 30 Brailers 5. No Bus/Van 6. Not a single Computer Teacher	100 out of 100 residential students studying from I to Class XII	16 out of 31 Teachers
15.	Visually Impaired School, Gorakhpur (Boys)	1. Not a single regular Computer Teacher 2. Need for 10 Plex Talk	100 out of 000 residential students studying from I to Class XII	20 out of 27 Teachers

Learned Additional Advocate General for the State of U.P., on instructions, submits that some of the deficiencies have already been cured and steps are being taken to address all other problems noted in this Chart and including other matters for strengthening the concerned schools for specially abled students. She submits that some more time is required to report compliance to this Court. We have no difficulty in acceding to the request made by the learned counsel. However, we direct the Chief Secretary, State of U.P. to file an affidavit providing for timelines within which all the deficiencies in the concerned sixteen special schools would be redressed. The timelines should be realistic and ensure that the schools are made fully functional in all respects before the next academic year. The affidavit be filed within three weeks.

Needless to mention that the essential facilities can be put in place only if adequate fund allocation is made in that regard. Since the Chief Secretary has been directed to file an affidavit of compliance and to provide timelines within which the deficiency will be cured, we have no manner of doubt that even that issue will be addressed by the Chief Secretary appropriately.

Besides the proposed affidavit, the Chief Secretary must take measures to set up a nodal authority which would continually supervise and monitor the progress of work within the timelines specified in the affidavit. The nodal authority may consist of high ranking officials of the concerned Departments such as Finance

Department, Education Department and Divyang Jan Sashaktikaran  
Department.

List the matter on 03.04.2019.

(DEEPAK SINGH)  
COURT MASTER (SH)

(VIDYA NEGI)  
COURT MASTER (NSH)