

High Court of Sikkim

Record of proceedings

WP(PIL) No.12 of 2018

Court on Suo Motu

Date : 13-08-2018

CORAM :

**THE HON'BLE ACTING CHIEF JUSTICE
MRS. JUSTICE MEENAKSHI MADAN RAI
THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

For Petitioner (s)

For Respondent (s)

ORDER

Rai, ACJ

It has been reported in a Nepali vernacular newspaper circulated in Gangtok, published on Wednesday, the 8th of August, 2018, that due to rise in water level of the Changey river at South Sikkim which connects Sumsi and other villages, students are compelled to cross the river on foot. That, there has been a constant demand of a Bridge in this place for a long time, but no steps have been taken. That about 3/4 years ago, a student lost his life after being swept away by this river.

The Right to Education has been inserted in Article 21A of the Constitution of India to provide for right to access education. This right, by a plethora of Judgments of the Hon'ble Supreme Court has been read into right to life in Article 21 of the Constitution of India (for short "Constitution"). The purpose of the Right of Children to Free and Compulsory Education Act, 2009 (Act of 2009), is to ensure that every child between the age of six to fourteen years is assured of education and the State Government is to discharge this obligation. The Act of 2009 is to enable every child to access quality education irrespective of his socio-economic background and other barriers in order to

High Court of Sikkim

Record of proceedings

achieve an egalitarian society. Every child has a right to live with dignity which he can be assured to through education and should he be deprived of this, he is also deprived of his right to life under Article 21 of the Constitution and freedom of speech and expression and as envisaged under Article 19(1)(a) of the Constitution. Hence no impediment should refrain a child from attaining the rights provided to him by the Constitution.

Mr. N. Rai, Learned Senior Advocate assisted by Ms. Sudha Sewa, Advocate, are requested to assist the Court as “Amici Curiae” in the matter. A copy of the newspaper report and other documents, if any, be supplied to the Learned Amici Curiae.

Issue Notice to;

- (i) The Chief Secretary, Government of Sikkim, Gangtok.
- (ii) The Additional Chief Secretary-cum-Principal Secretary, Human Resource Development Department, Government of Sikkim, Gangtok.
- (iii) The Principal Chief Engineer-cum-Secretary, Roads and Bridges Department, Government of Sikkim, Gangtok.

Mr. S. K. Chettri and Mrs. Pollin Rai, Learned Assistant Government Advocates assisting Mr. Karma Thinlay, accept Notice on behalf of the State Government and waive formal Notice.

List on 13-09-2018.

In the meanwhile, let a status report be filed by the State Government.

Judge
13-08-2018

Acting Chief Justice
13-08-2018

Index : Yes/No

Internet : Yes/No