

High Court of Sikkim

Record of proceedings

WP(PIL) No.05 of 2020

In Re : Introduction of Science Stream and
Infrastructural Development of J.N.V., Pakyong

Date : 17-08-2020

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

For Petitioner

For Respondent

R-1 to R-4 Mr. Sudesh Joshi, Additional Advocate General.
Mr. S. K. Chettri, Government Advocate.

R-5 & R-6 None.

R-7 None.

ORDER

Rai, J.

1. This Writ Petition (PIL) is registered on the basis of a Letter Petition received from the parents of the students of Jawahar Navodaya Vidyalaya, Pakyong, East Sikkim, stating that the said School has been functional since 2005-06 but without a Science Stream in Class XI, thereby putting the children who opt for the Science Stream through great inconvenience as they have to look for other Schools in pursuit of their choice of Stream. This is exacerbated by the circumstance that the children come from humble backgrounds making it difficult for the parents to address the financial issues. The Letter Petition also raises the grievance that the winters are harsh in the area and hence the winter vacations be extended by making necessary adjustments from the other vacations taken during the year. That, hostel facilities, especially for the girl students are required to be augmented by concluding the land acquisition process. Lastly, it is lamented that despite several representations made to the concerned Authorities, these issues have remained unaddressed.

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2. It requires no reiteration here that every child has a right to live with dignity which he can be assured of by accessing education of his choice. Should he be deprived of this, he is also deprived of his right to life under Article 21 of the Constitution of India. Hence no impediment should refrain a child from attaining the rights guaranteed to him by the Constitution.

3. Issue Notice to —

- (i) The State of Sikkim
through the Chief Secretary,
Government of Sikkim,
Gangtok, East Sikkim.
- (ii) The Education Department
through the Additional Chief Secretary,
Government of Sikkim,
Gangtok, East Sikkim.
- (iii) The District Collector-cum-Chairman,
Jawahar Navodaya Vidyalaya,
District Administrative Centre,
Sichey, Gangtok, East Sikkim.
- (iv) The Sub-Divisional Magistrate,
Pakyong Sub-Division,
Pakyong, East Sikkim.
- (v) Jawahar Navodaya Vidyalaya
through the Principal,
Pakyong, East Sikkim.
- (vi) Navodaya Vidyalaya Samity
through the Commissioner,
Noida, UP.
- (vii) Central Public Works Department,
through the Executive Engineer,
Gangtok Central Division,
Balwakhani, East Sikkim.

4. Mr. Sudesh Joshi, Learned Additional Advocate General is present on advance notice on behalf of Respondent Nos.1, 2, 3 and 4, and waives formal notice.

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5. Having regard to the nature of the adjudication involved in the instant petition, we are of the considered view that assistance of an Advocate is necessary. On our request, Mr. N. Rai, Senior Advocate and Ms. Sushmita Gurung, Advocate, present in Court, have consented to assist the Court as Amici Curiae.
6. Let Letter Petition and related documents be made over by the Registry to Learned Amicus Curiae who shall take steps and file suggestions as deemed necessary.
7. Status report be filed by the State-Respondents.
8. List on 21-09-2020.

Judge
17-08-2020

Judge
17-08-2020

ds