

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

**Date of decision: 23<sup>rd</sup> December, 2014.**

+ **W.P.(C) 3687/2008 & CM No.5230/2014 (for directions)**

**SIKSHA SEWA SAMITI & ORS. .... Petitioners**

Through: Mr. Mushtaq Ahmad and Mr. Shaikh  
Chand, Advs.

Versus

**STATE OF NCT OF DELHI & ORS. .... Respondents**

Through: Mr. Sanjeev Sabharwal and Mr. Hem  
Kumar, Advs. for GNCTD.  
Ms. Mahika Trivedi, Adv. for NDMC

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**RAJIV SAHAI ENDLAW, J.**

1. This petition under Article 226 of the Constitution of India has been filed by the three petitioners claiming to be Non-Governmental Organizations (NGOs) working for the promotion of Urdu, Urdu education and general education, pleading:

(i) that there are 65 Urdu Primary Schools in Delhi run by Municipal Corporation of Delhi (MCD);

(ii) that after the students pass Class V from such Schools, they are sent to such Schools where there is no provision for reading through

the Urdu medium; the students thus face difficulties because of sudden change of medium in Class VI; in some of such Schools, Urdu is not even taught as a third language subject; the students are thus faced with a *fait accompli* situation, to read Sanskrit;

(iii) that had there been a policy / arrangement for continuing education from primary to secondary / senior secondary level through the Urdu medium, the number of such Primary Schools would not have fallen from 150 in the past to 65 now;

(iv) that not only so, the posts of teachers in the said Urdu Primary Schools remain vacant for years or non-Urdu knowing teachers are posted to the said Schools;

(v) that all this leads to lesser and lesser number of students, though wanting to, opting for the said Urdu Primary Schools and which in turn leads to the respondents taking a stand that there is no demand for such Schools;

(vi) that mischievously Hindi medium sections are surreptitiously opened in purely Urdu medium schools and the strength of Hindi medium teachers and Hindi medium students is gradually growing in the Urdu Primary Schools, virtually converting them into Hindi

medium schools;

(vii) that non-availability of Urdu medium books is another major problem faced by the Urdu medium students and teachers in the MCD and the Govt. of NCT of Delhi (GNCTD) Schools—at times books are not translated and printed from English to Urdu even till the academic session comes to an end; it is the responsibility of the Government to provide free books in all subjects in Urdu language in the Urdu Primary Schools;

(viii) that though the Schools are required to teach any language, if minimum of six students for studying the same are available in the School but inspite of many more than six students desiring to learn Urdu language, no Urdu teacher is provided in the Schools;

(ix) that the provision in the Secondary Schools of the MCD and GNCTD for teaching Urdu as a third language exists only on paper as even when the students opt for Urdu, they are told that there is no facility for teaching the same;

(x) that even in Schools where Urdu is being taught as third language, only part time teachers sent by the Urdu Academy or appointed on contract basis are available;

- (xi) that the GNCTD has not sanctioned any Urdu Teacher post for teaching Urdu as a third language in its Schools;
- (xii) that in several of the Schools which claim to be teaching Urdu as the third language, there is not a single Urdu teacher;
- (xiii) that the Urdu teachers available in the Primary Schools are not promoted to teach Urdu as a third language in the Secondary Schools;
- (xiv) that some of the 65 Urdu Primary Schools have been designedly merged with general schools obliterating their identity;
- (xv) that there are no Urdu knowing supervisory staff in the Directorate of Education (DoE).

The petition seeks the reliefs, of a direction:

- (a) to the Directorate of Education, GNCTD to take up a survey of all vacancies in the Urdu Medium Schools of Delhi and to fill up the same;
- (b) to the Directorate of Education, GNCTD to demerge the Urdu Medium Schools and restore their original identity;
- (c) for transfer of all non-Urdu Teachers from Urdu Medium Schools and for filling up the vacancies in the Urdu Medium

Schools;

(d) for maintenance of advance register of vacancies of Urdu language Teachers in the Schools;

(e) for ensuring education through Urdu medium from Class I to Class V and Class XII without any gap in between; and,

(f) for making available Urdu text books from Class I to XII at the beginning of each session.

2. The petition was entertained and notice thereof issued. On 21<sup>st</sup> May, 2008 the counsel for the respondent New Delhi Municipal Corporation (NDMC) stated that NDMC has enough stock of Class V and VIII books and Maths books for Class VI and that there is no shortage of books. Similarly, the counsel for the MCD stated that out of 28 titles, 25 titles had been lifted from the Delhi Bureau of Text Books and distributed to students and remaining three titles would also be distributed in the month of July, 2008. The counsel for the Delhi Bureau of Text Books also stated that there is sufficient stock of Urdu books and it would be open for the NDMC and the MCD to lift the stocks as and when required.

3. The MCD has filed a counter affidavit, (I) denying that any step-motherly treatment is being meted out to Urdu language; (II) stating that

since appointment of teachers through Delhi Subordinate Services Selection Board (DSSSB) takes time, as a temporary measure, teachers are engaged on contract basis; (III) denying that no Urdu Teachers had been appointed since 1995 and pleading that the last batch of Regular Urdu Teachers were appointed in the year 2006 and requisition for more Urdu Teachers was pending with DSSSB; (IV) stating that it is running Schools upto Class V only; (V) stating the policy with regard to the admission for children who passed Class V from MCD School is determined by the DoE, GNCTD; (VI) denying that text books were not available or were not distributed in the Urdu Medium Schools; (VII) denying that the Urdu Teachers were not being promoted; (VIII) pleading that owing to commercialization of the walled city area and the resultant reduction in the number of residents therein had led to decrease in the number of students, not only in its Urdu Medium Schools but also in non-Urdu Medium Schools—it is for this reason that it has closed / merged Schools wherein the number of students had drastically decreased; (IX) denying that books were distributed late in the Urdu Medium Schools; (X) pleading that there is no post for Urdu knowing supervisory staff but one Urdu knowing Nodal Officer had been assigned the work related to Urdu Teachers and Urdu Medium Schools.

4. The GNCTD has also filed a counter affidavit pleading, (A) that there is no provision in the Recruitment Rules to recruit PGTs / TGTs knowing Urdu to teach different subjects to Classes VI to XII except for teaching Urdu language; (B) however there are some Schools of GNCTD where medium of instruction is Urdu and for those Schools, PGT / TGT who can teach subjects at Secondary / Senior Secondary level in Urdu medium are posted; (C) that in other Schools Urdu is taught only as one of the languages; (D) that PGTs / TGTs for Urdu are recruited by the DSSSB as per the requisition sent from time to time; (E) that whenever the enrolment is below 30, the proposal for merger of that School with another is considered; (F) that all students passing from Primary Urdu Schools are absorbed in the Middle Schools; (G) that Urdu medium books for Class IX to XII are published by the National Council of Educational Research and Training (NCERT) and for Class I to VIII are developed by the State Council of Educational Research and Training (SCERT) and published by Delhi Bureau of Text Books; (H) that the SCERT had that year changed one of the Urdu books and which led to delay in printing of the same; (I) otherwise, books are being supplied to Schools; (J) denying that there is any step-motherly treatment to Urdu Medium Schools; (K) that non-Urdu

knowing teachers are posted in Urdu Medium Schools only in emergent situations, so as to enable the students to complete their course.

5. NDMC in its counter affidavit has stated that there are fourteen NDMC Schools with Urdu as a medium of instruction, of which ten are Primary Level Schools and three Middle Level Schools and one Secondary Level School; besides, there are NDMC Schools which are teaching Urdu as an optional subject, of which one is Primary Level School, one Middle Level and two Secondary Level Schools; Urdu has also been implemented as a third language in the Secondary / Senior Secondary Schools of the NDMC; that there are 46 sanctioned posts of Urdu Teachers in the Schools run by the NDMC and against which 39 posts are filled up and 7 posts are vacant and the process of filling up of which was underway.

6. The order dated 1<sup>st</sup> July, 2009 in this petition takes note of the fact that as on that date there were 100 vacancies of Urdu Teachers. The respondents were directed to file an affidavit detailing the steps taken for filling up the same. The petitioners filed CM No.10166/2009 impugning the proposal for closure of one School and merger thereof with another School in the walled city area. The counsel for the GNCTD on 19<sup>th</sup> August, 2009 gave a statement that the said proposal stood cancelled. The petition, on

16<sup>th</sup> September, 2009 was dismissed in default but was restored on the application of the petitioners. From time to time, status reports in form of additional affidavits have been filed by the respondents. The petition was again dismissed for non-prosecution on 20<sup>th</sup> February, 2013 but was again restored on the application of the petitioners. The petition was yet again dismissed for non-prosecution on 16<sup>th</sup> January, 2014 but was yet again restored on application of the petitioners.

7. The order dated 23<sup>rd</sup> April, 2014 records that the thrust of the present petition is not so much directed against the appointment of teachers to teach Urdu language but for a direction for teaching all subjects in a School in Urdu medium. GNCTD was directed to file a specific response on the said aspect.

8. GNCTD has filed an affidavit dated 8<sup>th</sup> August, 2014 stating, (i) that there are 228 Govt. Schools under the DoE, GNCTD in which Urdu is being taught as a language; (ii) that in addition to this, there are 21 Govt. Schools under the DoE, where Urdu is the medium of instructions; (iii) detailing the position of the Urdu Teachers in the Govt. Schools as well as in the Urdu Medium Schools; (iv) pleading that in addition Urdu Teachers under the Sarva Shiksha Abhiyan are also appointed every year on contract basis to

overcome the shortage of Urdu Teachers; (v) stating that as such there exists no shortage of Urdu Teachers in schools where Urdu is taught as a language and so also in Urdu Medium Schools; (vi) pleading that the DoE had assessed an additional requirement of 152 TGT (Urdu) posts and the process of creation thereof is in the pipeline; (vii) however pleading that there exists some shortage of regular Urdu Teacher for which necessary requisition had been sent to DSSSB and the process of appointment is going on; (viii) pleading that the DoE had also deployed teachers from Urdu Academy in the Urdu Medium Schools to teach subjects like Mathematics, Science, Social Science in Urdu medium; (ix) pleading that most of the Universities of India do not have Urdu as a medium of instruction at graduation level in any discipline, to teach Physics, Chemistry, Biology, Maths etc. in Urdu and which has led to non-availability of Urdu trained graduate teachers in the said subjects; and, (x) pleading that University Grants Commission (UGC) had already been approached to explore the possibility of introducing Urdu medium at graduation level so as to make available teachers to teach the science subjects in Urdu language.

9. We heard the counsels and reserved judgment.

10. The counsel for the petitioners during the hearing could not come up

with any further suggestions / steps which the GNCTD can take in addition to the steps already being undertaken as detailed in the affidavit dated 8<sup>th</sup> August, 2014 supra.

11. We in the circumstances, are satisfied that this petition has served its purpose and that the respondents GNCTD, MCD and NDMC are taking all possible steps to redress the issue flagging which this petition was filed.

12. We dispose of this petition with a direction to the respondent GNCTD to abide by its affidavit dated 8<sup>th</sup> August, 2014.

No costs.

**RAJIV SAHAI ENDLAW, J.**

**CHIEF JUSTICE**

**DECEMBER 23, 2014**

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