

GAHC010080822023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : PIL/30/2023**

1: WE FOR GUWAHATI FOUNDATION AND 2 ORS.  
REPRESENTED BY ITS MANAGING TRUSTEE AND PRESIDENT, ANITA  
VERMA, PRESENTLY AT 23, PRATIKSHA, KHARGULI, RIVERSIDE,  
GUWAHATI-781004.

2: ANITA VERMA  
D/O- SHRI BALKRISHAN VERMA  
R/O- 23 PRATIKSHA KHARGULI RIVERSIDE GUWAHATI-781004.

3: DEBARGHA ROY  
S/O- DEBOJIT ROY  
R/O- 43 LAMB ROAD LATASIL GUWAHATI-781001

VERSUS

1: THE STATE OF ASSAM AND 23 ORS. REPRESENTED BY THE CHIEF  
SECRETARY TO THE GOVT. OF ASSAM, DISPUR, PIN- 781005, ASSAM

2:THE COMMISSONER AND SECRETARY TO THE GOVT. OF ASSAM  
ELEMENTARY EDUCATION DEPARTMENT BLOCK-C (GROUND FLOOR)  
ASSAM SECRETARIAT DISPUR GUWAHATI-781006.

3:THE SECRETARY TO THE GOVT. OF ASSAM ELEMENTARY EDUCATION  
DEPARTMENT BLOCK-C (GROUND FLOOR) ASSAM SECRETARIAT DISPUR  
GUWAHATI-781006.

4:THE DIRECTOR OF ELEMENTARY EDUCATION DIRECTORATE OF  
ELEMENTARY EDUCATION KAHILIPARA GUWAHATI-781019.

5:THE DIRECTOR OF SECONDARY EDUCATION DIRECTORATE OF  
SECONDARY EDUCATION KAHILIPARA GUWAHATI-781019.

6:MISSION DIRECTOR SAMAGRA SIKSHA ABHIYAN  
ASSAM KAHILIPARA GUWAHATI-781019.

7:DISTRICT ELEMENTARY EDUCATION OFFICER AND INSPECTOR OF SCHOOLS (KAMRUP METRO) ATHGAON GUWAHATI-781001.

8:DISTRICT ELEMENTARY EDUCATION OFFICER AND INSPECTOR OF SCHOOLS (KAMRUP RURAL) AMINGAON GUWAHATI-781031.

9:DISTRICT ELEMENTARY EDUCATION OFFICER AND INSPECTOR OF SCHOOLS (NAGAON) PANIGAON NAGAON NH-37 NAGAON-782001.

10:GYAN VIKAS ENGLISH SCHOOL  
FAYAL AHMED ROAD FATASIL AMBARI GUWAHATI-781001.

11:SOUTH POINT SCHOOL, 21 BARSAPARA INDUSTRIAL ROAD  
GOPINATH NAGAR BARSAPARA GUWAHATI-781018.

12:SANKARDEV SIKHU NIKETAN  
SILSAKOO NORTH GUWAHATI GUWAHATI-781030.

13:KENDRIYA VIDYALAYA IIT  
GUWAHATI IIT CAMPUS GUWAHATI-781039.

14:KENDRIYA VIDYALAYA MALIGAON NE FRONTIER RAILWAY  
ADARSHA COLONY MALIGAON GUWAHATI-781011.

15:AKHOM SHIKSHALAYA SCHOOL  
RADHA KRISHNA NAGAR SALBARI NOONMATI GUWAHATI-781020.

16:GYAN EDUCATIONAL TRUST  
OPP. KALI MANDIR LOKHRA ROAD JYOTIKUCHI GUWAHATI-781034.

17:SKYLARK PUBLIC SCHOOL  
5P42 AND RGF MALIGAON WEST MALIGAON GUWAHATI-781010.

18:SWARNA HAZARIKA MEMORIAL FLORENCE ACADEMY VILL AND P.O.  
SAMUGURI NEAR SAMUGURI POST OFFICE- 782140 NAGAON.

19:SANKARDEV SIKHU NIKETAN NEAR BORMA MEDICAL STORES VILL  
AND P.O. SAMUGURI- 782140 NAGAON.

20:SARASWATI JATIYA VIDYALAYA  
NEAR ROCKLAND PARK P.O. SAMUGURI-782140 NAGAON.

21:PANCHATIRTHA SISHU SANKARDEV VIDYA NIKETAN  
HAJO SHAKTI BARI-781102 KAMRUP RURAL.

22:HARVARD PUBLIC SCHOOL  
GUWAHATI HAJO ROAD AMINGAON GUWAHATI-781104.

23:LUIT VIEW ENGLISH ACADEMY  
SH2 DOLIBARI SARMOSALI GAIN- DADRA-781104 ASSAM

24:KENDRIYA VIDYALAYA  
SECTOR-1 RAMCHAI HILLS NOONMATI GUWAHATI-781020

**For the Petitioners** : Ms. Anita Verma, petitioner in person.

**For the Respondents** : Mrs. R.B. Bora, Junior Government Advocate, Assam.

: Mr. R Majumdar, Standing Counsel, Education (Elementary) Department

: Ms. M.A. Das, Standing Counsel, Education (Secondary) Department.

: Mr. S. Bora, Standing Counsel, Samagra Siksha Abhiyan, Assam.

**- B E F O R E -**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**12.04.2023**

The petitioners are aggrieved by non-implementation of Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009. It is stated that previously in pursuance of the orders passed by this Court in PIL No.66/2020 and PIL No.24/2023, the State Government has already issued requisite Notifications, mandating all the un-aided educational institutions to ensure strict compliance of the mandate of Section 12(1)(c) of the Act of 2009. Yet, many of these institutions who have been impleaded as party respondents in the present petition, have refused to admit the children in the current academic session.

Issue notice.

Mrs. R.B. Bora, learned Junior Government Advocate, Assam appears for the respondent No.1, Mr. R Majumdar, learned standing counsel, Education (Elementary) Department, appears for the respondent Nos.2, 3, 4, 7, 8 & 9; Ms. M.A. Das, learned standing counsel, Education (Secondary)

Department, appears for respondent No.5 and Mr. S. Bora, learned standing counsel, Samagra Siksha Abhiyan, Assam appears for respondent No.6.

Steps for service upon the remaining respondents be taken within 7(seven) days. Service be effected by ordinary process as well as registered A/D post. *Dasti* service is also permitted.

Mr. Majumdar shall instruct the Secretary to the Government of Assam, Education (Elementary) Department to look into the matter and ensure that the children, whose names have been provided in the Schedule as Annexure-G, are immediately provided admissions into the schools concerned.

Rule is made returnable on **08.05.2023**.

List on **08.05.2023**.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**