

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 COMMISSIONER 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 ELEMENATRY EDUCATION OFFICER AND INSPECTOR OF SCHOOLS (KAMRUP RURAL) AMINGAON GUWAHATI-781031.

9:DISTRICT ELEMENATRY 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.
Ms. Sudakshina K., Advocate.

For the Respondents : Mr. P. Sarmah, Additional Senior Government Advocate, Assam for respondent No.1.
: Mr. R. Mazumdar, Standing Counsel, Education Department.
: Mr. B. Choudhury, Standing Counsel, SSA.
: Ms. S. Das, Advocate for respondent No.10.
: Ms. B. Devi, Advocate for respondent No.11.
: Ms. S. Medhi, Advocate for respondent No.12.
: Ms. R.S. Chowdhury, Advocate for respondent Nos.13, 14 & 24.
: Mr. A. Baruah, Advocate for respondent No.19.
: Mr. U.K. Barman, Advocate for respondent No.23.

– B E F O R E –
HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE MITALI THAKURIA

17.05.2023

The petitioner No.2 present in person states that till date, out of the 49 children, whose names are set out in the list Annexure: G, only 15 have been provided admissions under the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the "RTE Act"). She alleges that many of the schools are demanding money for admitting the children. It is further alleged by the petitioner that the respondent No.12 has been exerting pressure on the parents of the children to sign blank undertakings. It is further stated that the respondent Nos.17 & 21 are charging fees from the children, who have been admitted under the RTE Act.

She is allowed to bring these facts on record through an affidavit.

In the meantime, Mr. R. Mazumdar, learned standing counsel, Education Department shall instruct the Secretary, Department of School Education to ensure that the 49 children indicated in the list Annexure: G are provided admission into the schools concerned as per the mandate of the RTE Act.

In case, the above direction is not complied with, the Secretary, Department of School Education, shall remain present in the Court on the next date of listing.

Copy of this order be communicated to the Secretary, Department of School Education forthwith.

List on **24.05.2023**.

JUDGE

CHIEF JUSTICE

Comparing Assistant