

GAHC010080822023



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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 Petitioner(s) : Ms. A. Verma, Petitioner-in-Person.
: Ms. D. Ghosh, Advocate.

For the Respondents : Mrs. R.B. Borah, Junior Govt. Advocate, Assam for respondent No.1.
: Mr. N.J. Khataniar, Standing Counsel, Department of School Education.
: Mr. S. Bora, Advocate for respondent No.6.
: Ms. K. Borpujari, Advocate on behalf of Mr. A. Chamuah, Advocate for respondent No.12.
: Mr. T.J. Mahanta, Senior Advocate assisted by Mr. T. Gogoi, Advocate for respondent No.18.
: Mr. B. Das, Advocate for respondent No.19.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

29.08.2025

(Ashutosh Kumar, CJ)

We have heard Ms. Anita Verma, the petitioner-in-person and Mr. N.J. Khataniar, learned Standing Counsel, Department of School Education.

Pursuant to the order passed by this Court on 25.02.2024, it has been informed that an Online Portal for implementation of Section 12(1)(e) of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the "RTE Act") has been made operational.

However, from the affidavit, we find that the Cabinet decision in this regard is only with respect to Vernacular Medium Un-aided and Non-minority Private Schools of Assam, which have been instructed to register themselves with the dedicated Portal meant for the purpose.

The contention of the writ petitioner is that no effort has been made to make such registration of Schools mandatory, leaving it absolutely to the discretion for the Schools to take a decision in that regard. Apart from this, the other

objection raised by the writ petitioner is that only the Vernacular Medium Un-aided Schools have been asked to register themselves, whereas there is no distinction carved out between English Medium Schools and the Vernacular Medium Schools under the RTE Act.

Even otherwise, Ms. Verma contends that very few Schools have registered themselves with the Portal, which would be evident from a visit to such site.

One example which was given by Ms. Verma was that in the district of Kamrup, there are no registered Schools where the students could take admission.

Mr. Khataniar, learned Advocate for the Department of School Education is directed to file a detailed affidavit with respect to the steps taken by the State for ensuring the registration of all Schools with the Portal and inform this Court about the number of Schools, district-wise, which have uptill now on the grid for ensuring that students are not left high and dry. If there are no sufficient number of Schools registered for each district, perhaps the purpose of all this effort would stand defeated.

This Court would, therefore, like a detailed affidavit by the next date, with respect to the number of Schools which are registered. An explanation also need be given as to why only Vernacular Medium Schools have been instructed to register themselves on the Portal.

Let this case be listed again on **17.10.2025**.

JUDGE

CHIEF JUSTICE

Comparing Assistant