

GAHC010080822023



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

Case No. : PIL/30/2023

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

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

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

Advocate for the Petitioner : MS. D GHOSH, MS. SUDAKSHINA K.

Advocate for the Respondent : GA, ASSAM, MR. A CHAMUAH (R-12),MR. M A I HUSSAIN (R-22),MRS. K BARPUZARI(R-12),MRS S BARUAH(R-12),MR. S D ROY (R-12),MS. K MALAKAR(R-21),MR. A BHATTACHARYA(R-21),MR. P P BARUAH (R-17),MR. R SARMA (R-17),MRS. R S CHOWDHURY (R 14, 23, 25),MS G DAS (R 14, 23, 25),MR T DAS (R 14, 23, 25),MR J BORAH (R-16),R SARMAH (R-16),MR. K KAKOTI (R-16),MR T GOGOI (r-18),MS P SARMA (r-18),MR. P P DUTTA,MR. T J MAHANTA (r-18),MR B YADAV (r-10),MR D J DAS,MS S DAS (r-10),MR. R KONWAR (r-23),MR H ALI (r-23),MR. U K BARMAN (r-23),MR. S. J. SARKAR (R-11),MR K BISWAKARMA (R-11),MR. S P CHOUDHURY (R-11),MR ARINDAM BARUAH (r-19),MR BHARGAV DAS (r-19),MR. K P PATHAK (r-19),SC, SSA,SC, SEC. EDU.,SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

09.02.2026

(K.R. Surana, J)

All sides are represented including the petitioner in person.

2. At the outset, it may be stated that a prayer for adjournment was made on behalf of the petitioner. However, as the issue raised concerns with the extant of school responsibility for free and compulsory education including the scope and ambit of section 12(i)(c) of the Right of Children to Free and Compulsory Education Act, 2009, the Court has taken up the matter.

3. The petitioner in person by referring to the contents of the Office Memorandum bearing No. PMA/73-2021/47 dated 02.09.2021, it has been stated that the said O.M. does not restrict admission to children having right to free and compulsory education on account of language of instructions. However, by way of an affidavit filed by the Secretary, Elementary Education, Assam on 18.06.2025, admission to those children are being restricted to schools imparting vernacular medium education only.

4. Moreover, it is submitted that the petitioner-in-person, on visiting the website of the State of Assam has found that the dedicated portal of <https://rte-ssa.assam.gov.in/> does not show all unaided schools in the State to be registered under the said portal. It is submitted that the portal does not give the appropriate information with regard to the seats available for admission, which is 25% under the Right of Children to Free and Compulsory Education Act, 2009. Accordingly, it is submitted that owing to lack of transparency, it would be very difficult for the parents of the unprivileged children for whom the free education is envisaged to have their wards admitted in such unaided schools. It is submitted that as per Section 2(m) of the said 2009 Act, a minimum of 25% seats are required to be reserved for children of economically weaker sections and disadvantaged groups.

5. At this stage, the learned Standing for the School Education Department has submitted that he has spoken to the concerned authorities who are looking after the web portal and it is submitted that he would obtain instructions and present the instructions with regard to the operation of the portal to the Court and regarding information that are required to be reflected therein.
6. Having observed that the next admission session is stated to be likely commence in the month of March, 2026, the Court is of the considered opinion that by the time, the school admission would commence for the academic session of 2026-27 for Class-I, the State should make all endeavour to ensure that the portal is made operational and contain all material information.
7. The authorities of the School Education Department shall also apprise the Court on the next date of listing. as to whether mandatory instructions have been issued to all the unaided schools who fall within the scope and ambit of Right of Children to Free and Compulsory Education Act, 2009, to have compulsorily registered themselves in the said web portal and whether directions have been issued to all such schools to mandatorily divulge all the appropriate information in the web portal, so far as seats, cost of admission if any, and criteria or benchmark for admission.
8. The Court hopes and trusts that in the event, such directions have not yet been issued, the School Education Department shall do the needful as is required under the RTE Act and the State rules framed thereunder and to ensure that the provisions of the said Act and Rules framed thereunder are scrupulously followed by all unaided schools in the State of Assam.
8. On the next date of listing, the Court may want to look into the website for which the School Education Department shall provide a person conversant with the operation of the said website to assist the learned Standing for the School

Education Department to enable the Court to navigate through the website.

9. List on 23.02.2026.

JUDGE

JUDGE

Comparing Assistant