

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
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 appellant/petitioner(s) : Ms. A. Verma, Advocate
(Petitioner-in-person)

For the Respondent(s) : Mr. N. J. Khataniar, SC, Education
Ms. R.B. Bora, Jr. GA, Assam
Ms. R.S. Choudhury, Advocate
Mr. S. Bora, Advocate
Ms. Sanokriti Barua, Advocate

- B E F O R E -

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

23.02.2026

(Ashutosh Kumar, CJ)

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

Though online portal for implementation of the provisions of Section

12(1)(c) of the Right To Education Act, 2009 (hereinafter referred to as "Act of 2009") has been made operational, but the fact remains that a mandate has not been issued to all unaided schools to get their respective institutions registered on the online portal of the Education Department for the session 2026-2027.

Pursuant to the order passed by this Court on 09.02.2026, where the Court took cognizance of the fact that since the next admission session is likely to commence in the month of April, 2026, it was obligatory on the part of the State to make an endeavour to ensure that good number of schools register on such online portal.

In order to assess whether the policy of the Central Government with regard to education is being properly implemented, this Court had expressed a desire to look into the website of the Education Department and had also asked a person conversant with the operation of the said website, to come to the Court to assist Mr. Khataniar, who would, in turn enable the Court to know whether good number of un-aided schools have registered themselves on the online portal displaying the vacancies in such schools for admission from Class-I to Class-VIII.

Today, the website was viewed by Mr. Khataniar and Ms. Verma, the petitioner-in-person, with the assistance of the officers from the Education Department, but what was found out was not very encouraging or satisfactory.

The website reveals that there is no enlistment of schools for the 2026-2027 session, leaving the needy and the desirous students without any opportunity to opt for such schools.

That apart, what surprises us is the observations of Ms. Verma on

viewing the online portal that many of the schools, which had applied for registration on the website, were rejected because the medium of instructions in such schools was not in vernacular.

There is nothing under the Act of 2007 or the Rules framed thereunder, or the policy that for getting registered in the online portal, such schools would be required to impart education in vernacular medium.

Mr. Khataniar, as beleaguered as he is in the Court, has submitted that, perhaps, this could be only for the purpose of giving impetus to vernacular medium at the level of teaching in schools.

This reason does not appear to us to be convincing.

We have requested Mr. Khataniar to would consult on this aspect with the Commissioner & Secretary to the Government of Assam, Education Department, for making the policy under the RTE Act more effective and for that it would be necessary that a mandate is issued to all un-aided schools to register their institutions on the online portal, failing which the Education Department will have to take necessary steps to command compliance.

Any failure of the Department in doing so, would, thus, necessitate interference by this Court.

Registration of good number of schools would be the first step in realizing the goal under the RTE Act and the policy framed thereunder.

On the next date, Mr. Khataniar shall also inform this Court as to the rationale for rejecting such schools, where education is not imparted in vernacular medium, from getting enlisted or registered on the online portal.

One of the major objections of the petitioner is that for good education, such distinction ought not to be made and it should be open for the desirous and needy students to have a choice to go for a vernacular or non-vernacular school to prosecute their studies.

The next session (2026-2027) begins in March, 2026 and, under such circumstances, we direct Mr. Khataniar to ensure that a command is issued to all un-aided schools to register their respective institutions on the online portal, clearly reflecting the number of vacancies and, if possible, take a decision not to reject such schools where education is not imparted in vernacular medium. The vacant position should also be reflected in the respective website of the institutions.

Mr. Khataniar to apprise this Court about the outcome of such consultation and also to inform this Court whether the needful has been done in time so that the students can get admission in such schools for the coming session.

Re-notify on **10.03.2026**.

JUDGE

CHIEF JUSTICE

Comparing Assistant