

GAHC010080822023



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

1. THE STATE OF ASSAM,
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 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 Petitioner : Ms. Anita Verma, petitioner-in-person.
Ms. Sudakshini K., Advocate.
Ms. D. Ghosh, Advocate.

For the Respondents : Ms. R.B. Bora, Government Advocate for respondent No.1.
Mr. R. Mazumder, Standing Counsel, Education Department
for respondent Nos.2, 3, 4 and 5.
Mr. S. Bora, Advocate for respondent No.6.
Ms. S. Das, Advocate for respondent No.10.
Ms. B. Devi, Advocate for respondent No.11.
Mr. A. Chamuah, Advocate for respondent No.12.
Ms. R.S. Chowdhury, Advocate for respondent Nos.13, 14 and
24.
Mr. R. Sarmah, Advocate for respondent No.16.
Mr. T.J. Mahanta, Senior Advocate assisted by Mr. A. Baruah,
Advocate for respondent No.18.
Mr. A. Baruah, Advocate for respondent No.19.
Ms. K. Malakar, Advocate for respondent No.21.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

01.06.2023

Mr. A. Chamuah, learned counsel appearing for respondent No.12 submits that the pending applications of the students seeking benefits under the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred as the "RTE Act") shall be decided within 3(three) days.

The petitioner present in person submits that the grievance against the respondent No.17 does not survive in view of the fact that the only child who was seeking admission in the said school has secured admission elsewhere.

Ms. K. Malakar, learned counsel appearing for respondent No.21 has pointed out that the fees charged from the student 'Master D.' has already been refunded.

In this way of the matter, the cause of grievance raised by the petitioner *qua* the said school also does not survive any longer.

Regarding the child who is awaiting admission in respondent No.11 school, Mr. R. Mazumder, learned Standing Counsel, Education Department submits that appropriate proceedings are being taken in this regard.

He further submits that a detailed affidavit will be filed by the Secretary, Education Department citing out the steps proposed to be taken by the State for proper implementation of the RTE Act.

Re-notify on 13.06.2023.

JUDGE

CHIEF JUSTICE

Comparing Assistant