

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 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 Petitioners** : Ms. Anita Verma, Petitioner in person.  
Ms. Sudakshina K., Advocate.

**For the Respondents** : Mr. P. Sarmah, Addl. Sr. Govt. Advocate, Assam for respondent No.1.  
: Mr. R. Mazumdar, Standing Counsel, Education Department.  
: Mr. S. Bora, Advocate for respondent No.6.  
: Mr. S.P. Choudhury, Advocate for respondent No.11.  
: Ms. A. Chamuah, Advocate for respondent No.12.  
: Ms. R.S. Chowdhury, Advocate for respondent Nos.13, 14 & 24.  
: Mr. J. Borah, Advocate for respondent No.16.  
: Mr. P.P. Baruah, Advocate for respondent No.17.  
: Mr. T.J. Mahanta, Sr. Advocate assisted by Ms. P. Sarma, Advocate for respondent No.18.  
: 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 MR. JUSTICE DEVASHIS BARUAH**

**15.06.2023**

Ms. Anita Verma, the petitioner No.2 in person, submits that the issues pertaining to 44(forty-four) children, who sought the benefit under the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the "RTE Act"), have already been resolved. However, regarding 4(four) children, who are already studying in the respondent No.12 School, it is contended that these children also belonged to BPL/EWS families.

Mr. A. Chamuah, learned counsel for the respondent No.12 points out that the income certificates, which have been placed in support of this contention, are not compliant to the Rules. He makes a statement at bar that as and when the

income certificate procured as per law establishing the EWS status of the students are presented, the School Authorities shall forthwith give the benefit of the RTE Act to such students.

Thus, it is hereby directed that as and when the parents of these 4(four) students, who are already studying in the respondent 12 school provide the requisite income certificate, the benefits of RTE Act shall be extended to such students as per law.

Mr. R. Mazumdar, learned standing counsel, Education Department has placed on record a detailed affidavit in terms of the earlier direction passed by this Court.

Ms. Anita Verma prays for and is granted 4(four) weeks' time to file a response to this affidavit.

Personal presence of Mr. Narayan Konwar, Secretary to the Government of Assam, Department of School Education, is exempted for future dates of hearing.

List in the ***last week of July, 2023.***

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**