

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 6386-6387 OF 2004

STATE OF KERALA & ORS.

Appellant (s)

VERSUS

M.K. HAMEED & ORS.
(With office report)

Respondent(s)

WITH Civil Appeal NO. 6388 of 2004
(With office report)

Civil Appeal NO. 6389 of 2004
(With office report)

Civil Appeal NO. 6390 of 2004
(With office report)

Civil Appeal NO. 6636 of 2008

(With appl.(s) for c/delay in filing SLP and intervention and with prayer for interim relief and office report)

Date: 04/08/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Appellant(s) Mr. V.Giri, Sr.Adv.
in CA 6389/04 Mr.C.V. Francis,Adv.

In CA 6388/04 Mr. P.S. Narasimha Sr.Adv.
Mr. M.K. Michael,Adv

In CA 6390/04 Mr. K.Rajeev,Adv.

IN CA 6386-87/04 Mr. P.V. Dinesh,Adv.
Ms. T.P. Sindu,Adv.
Mr. P.Rajesh,Adv.
Mr. Harikansh Manau,Adv.
Mr. Sotty P.Adv.
Mr. V.K. Sidharthan,Adv.

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For Respondent(s) Mr. G. Prakash,Adv.

Mr. Parmanand Pandey,Adv.

Mr. M.K. Michael,Adv.

Mr. Ramesh Babu M.R.,Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard all the parties.
Delay condoned in C.A.No.6636/2008.
I.A.No.2 - application for intervention is allowed.

The civil appeals are disposed of in terms of the signed order.

[Madhu Bala] [Savita Sainani]
Sr.PA Court Master
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 6386-6387 OF 2004

STATE OF KERALA & ORS.

....APPELLANTS/(S)

VERSUS

M.K. HAMEED & ORS.

....RESPONDENT/(S)

WITH

CIVIL	APPEAL	NO.	6388	OF	2004
CIVIL	APPEAL	NO.	6389	OF	2004
CIVIL	APPEAL	NO.	6390	OF	2004
CIVIL	APPEAL	NO.	6636	OF	2008

O R D E R

Heard learned counsel for the parties.
Delay condoned in Civil Appeal No. 6636 of 2008.
I.A.No. 2 (application for intervention) is allowed.

In view of the subsequent developments, we feel that there is no need to discuss the claim of both parties. Article 21A was inserted in the Constitution by 86th Amendment Act 2002 which reads as under:

"21A. Right to education - The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the state may, by law, determine".

In view of the same Government of India enacted "The Right of Children to Free and Compulsory Education Act, 2009" which came into force on 01.04.2010.

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Accordingly, the original ground of challenge made by the writ petitioners who are all respondents in these appeals does not survive for consideration. On this ground, we accept the claim of the appellants and modify the order of the High Court by reviewing the order of Government of Kerala as per G.O.(MS) 14/2003/G-Edn., Thiruvanthapuram dated 16.1.2003.

The civil appeals are disposed of accordingly.

.....J.
[P.SATHASIVAM]

NEW DELHI
4TH AUGUST, 2010

.....J.
[DR.B.S. CHAUHAN]