

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

WRIT PETITION(S)(CRIMINAL) NO(S). 406/2023

TUSHAR GANDHI

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

([TO BE TAKEN UP AT 3.00 P.M.]

(IA No. 91364/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 181890/2023 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 33145/2024 - EXEMPTION FROM FILING O.T., IA No. 234515/2023 - EXEMPTION FROM FILING O.T., IA No. 234074/2023 - EXEMPTION FROM FILING O.T. AND IA No. 91362/2024 - INTERVENTION APPLICATION)

Date : 12-12-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Shadan Farasat, Sr. Adv.
Ms. Vrinda Bhandari, AOR
Ms. Mreganka Kukreja, Adv.
Ms. Pragya Barsaiyan, Adv.
Ms. Anandita Rana, Adv.
Ms. Vanshita Gupta, Adv.

For Respondent(s) Ms. Garima Prashad, Sr. Adv./A.A.G
Mr. Sanjay Kumar Tyagi, AOR
Mr. Sanjay Jain, Adv.
Ms. Ankita Kedia, Adv.
Mr. Dileep Kumar Dubey, Adv.

Mr. K.M. Nataraj, A.S.G.
Mr. Sharan Dev Singh Thakur, Sr. Adv./Sr. A.A.G.
Ms. Ruchira Goel, AOR
Ms. Indira Bhakar, Adv.

Mrs. Aishwarya Bhati, A.S.G.
Ms. Archana Pathak Dave, A.S.G.
Mrs. Suhasini Sen, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. Subhranshu Padhi, Adv.
Mr. Gaurang Bhushan, Adv.
Mr. Amrish Kumar, AOR

Ms. Pankhuri Shrivastava, Adv.
Ms. Neelam Sharma, AOR
Mr. Alekshendra Sharma, Adv.
Mr. Aditya Kumar, Adv.

Ms. Vrinda Bhandari, AOR

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

1. We have perused our earlier order dated 25th September, 2023. The stand taken by the State on oath as regards the interpretation of clause (c) of sub-Section (1) of Section 12 of the Right of Children to Free and Compulsory Education Act, 2009 (for short, "RTE Act") needs correction. Ms. Garima Prashad, learned AAG, appearing for the State of Uttar Pradesh pointed out that the State will make that correction and file a proper affidavit.

2. Even as of today, we do not see any directions issued by the State Government to all the schools to strictly implement Section 17(1) of the RTE Act. What the State has pleaded in the affidavit filed on 2nd September, 2024 is that some kind of grievance redressal mechanism is made available to the parents in case of violation of Section 17(1) of the RTE Act. The issue is in what manner the availability of the grievance redressal mechanism has been communicated to the parents. Unless the parents are made aware of the availability of such mechanism, the same will remain on paper. The State needs to take further steps on this aspect.

3. In our order dated 25th September, 2023, we have observed that the object of the RTE Act is to provide quality education. Unless there is an effort made to inculcate the importance of the

constitutional values in the students, especially the core values of equality, secularism and fraternity, there cannot be any quality education. The State's response is silent on this aspect.

4. Another issue is about the implementation of sub-Rule (3) of Rule 5 of the Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011 wherein it is laid down that it is the obligation of the local authority to ensure that no child is subjected to caste, class, religious, gender abuse or discrimination in the school. Even this part of the mandate of the State Rules needs implementation.

5. Before we go into the other aspects, we direct the State Government to take appropriate steps and to file a proper compliance. The State cannot ignore the fact that the ultimate object of rendering quality education is to ensure that the children become good citizens in true sense who respect the ideals of the Constitution. The State needs to concentrate on this aspect especially when we have completed 75 long years of existence of our Constitution.

6. We grant time of six weeks to the State of Uttar Pradesh to take appropriate decisions and to place the same on record in the form of an affidavit.

7. For considering the affidavit and for further submissions, the Petition be listed on 3rd February, 2025 at the end of the cause list.

8. The copies of this order and the earlier order dated 25th September, 2023 shall be provided by the Union of India to the Education Department of all the States and Union Territories.

**(ASHISH KONDLE)
COURT MASTER (SH)**

**(ANU BHALLA)
COURT MASTER (NSH)**