

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)

(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.
IA No. 91362/2024 - INTERVENTION APPLICATION)

Date : 14-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :

Mr. Shadan Farasat, Sr. Adv.
Ms. Vrinda Bhandari, AOR
Ms. Mreganka Kukreja, Adv.
Mr. Pranav Dhawan, Adv.
Ms. Pragya Barsaiyan, Adv.

For Respondent(s) :

Ms. Garima Prasad AAG/Sr. Adv.
Mr. Sanjay Kumar Tyagi, AOR
Mr. Pawan, Adv.
Ms. Aarohi Sanklan, Adv.

Ms. Aishwarya Bhati, A.S.G.
Ms. Suhashini Sen, Adv.
Mr. Rajesh Kr. Singh, Adv.
Mr. Subhranshu Padhi, Adv.
Mr. Gaurang Bhushan, Adv.
Mr. Sudarshan Lamba, AOR

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

Ms. Ruchira Goel, AOR

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

The first issue flagged is about the school tuition fee, cost of uniform, books, transport etc. of the affected child.

2. We make it clear that as indicated in our earlier orders, it is the obligation of the State Government to pay for tuition fee, cost of uniform, books etc. and transport charges of the child, till he completes his school education.

3. Today, the learned senior counsel appearing for the State has placed on record a letter dated 9th April, 2025 addressed to Syed Murtaza Memorial Trust wherein it is recorded that the trust is willing to take care of the expenses of the child for one year. It is for the State to take assistance of any charitable trust or charitable institution for the purposes of payment of the aforesaid amounts. In view of our earlier orders, we again clarify that the primary responsibility of meeting this expenditure is of the State. It will be also open for the State to persuade the school authorities to bear the expenditure.

4. Our attention is invited to this Court's order dated 12th December, 2024. Paragraph 2 of the order reads thus:

"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."

5. In compliance with the said order, an additional affidavit of Mr. Yatindra Kumar, Special Secretary, Government of Uttar Pradesh, Lucknow, Uttar Pradesh of 17th March, 2025 is placed on record. A communication issued by the Additional Chief Secretary, Government of Uttar Pradesh to the District Basic Education Officer. All Districts, Uttar Pradesh is placed on record dealing with the issue of violation of Section 17(1) of the Right of Children to Free and Compulsory Education Act, 2009.

6. We direct the State Government to ensure that a copy of this communication is forwarded to all the recognized schools in the State with a direction to the school authorities to regularly give information about

the same to all the parents. If this is done, that will take care of the direction issued under paragraph 2 of the order dated 12th December, 2024 regarding availability of grievance redress mechanism. Ordered accordingly.

7. List on 17th October, 2025.

8. One week before the next date, the State Government will file an affidavit reporting compliance with both the directions incorporated in today's order.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER