

GAHC010158312020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/66/2020

DEBARGHA ROY

S/O- SHRI DEBOJIT ROY, R/O- H.NO. 43, LAMB ROAD, LATASIL, DIST.-
KAMRUP (M), GHY-01

VERSUS

THE STATE OF ASSAM AND 4 ORS.

REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM, DISPUR, GHY-01,
DIST.- KAMRUP (M), ASSAM

2:THE COMM. AND SECY. TO THE GOVT. OF ASSAM
ELEMENTARY EDUCATION DEPTT.
BLOCK-C (GROUND FLOOR)
ASSAM SECRETARIAT
DISPUR
GHY-06

3:THE SECRETARY TO THE GOVT. OF ASSAM
ELEMENTARY EDUCATION DEPTT.
BLOCK-C (GROUND FLOOR)
ASSAM SECRETARIAT
DISPUR
GHY-06

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
DIRECTORATE OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER

KAMRUP (M)
OFFICE OF THE DISTRICT ELEMENTARY EDUCATION OFFICER
KAMRUP (M)
GHY-0

Advocate for the Petitioner : MR N DUTTA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

16.09.2021

[N. Kotiswar Singh, J]

Heard Mr. M. Sarma, learned counsel for the petitioner. Also heard Mr. D. Saikia, learned Advocate General, Assam for the State.

The present PIL has been filed by the petitioner for a direction to take necessary steps for implementation of Section 12(1)(c) of the Right to Education Act (for short RTE Act) read with Rules 7 & 8 of the Assam Right to Education Rules and Notifications issued to that effect.

Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009 relates to providing free education by the State Government to the extent of at least 25% of the strength of a class, children belonging to weaker section and disadvantaged group in the neighbourhood of the school.

Mr. Saikia submits that the Government had already issued the necessary Office Memorandum on 02.09.2021 laying down the details guidelines as regards the benefit which will be offered in terms of the aforesaid provision of the RTE Act.

In that view of the matter we are of the opinion that nothing survives for further consideration in this PIL and if any person has any grievance with the implementation of the said policy, in terms of the said Office Memorandum on 02.09.2021, it will up to him to approach the appropriate forum in that regard for redressal of his grievance.

With the above observation the present PIL stands disposed of.

JUDGE

JUDGE

Comparing Assistant