

Chief Justice's Court

(1) Case :- SPECIAL APPEAL No. - 222 of 2025

Appellant :- Master Nitesh Kumar, thru. his Mother Smt. Lalli Devi

Respondent :- State of U.P. thru. Addl. Chief Secy./Prin.Secy., Deptt. of Basic Education, Lko. and 4 others

Counsel for Appellant :- Gaurav Mehrotra, Utsav Mishra, Manjari

Counsel for Respondent :- C.S.C., Anuj Kudesia (A.A.G.), Shailendra Kumar Singh (C.S.C.), Ranvijay Singh (A.C.S.C.), Rishabh Tripathi, Arun Kumar Singh

(2) Case :- SPECIAL APPEAL No. - 223 of 2025

Appellant :- Dharm Veer thru. jis Natural Guardian Shri Bhanu Pratap Singh and 16 others

Respondent :- State of U.P. thru. its Addl. Chief Secy., Deptt. of Basic Education Lko. and 3 others

Counsel for Appellant :- Lalita Prasad Misra, Prafulla Tiwari

Counsel for Respondent :- C.S.C., Anuj Kudesia (A.A.G.), Shailendra Kumar Singh (C.S.C.), Ranvijay Singh (A.C.S.C.), Rishabh Tripathi, Arun Kumar Singh

Hon'ble Arun Bhansali, Chief Justice

Hon'ble Jaspreet Singh, J.

1. These appeals arise out of order dated 07.07.2025 passed by learned Single Judge in Writ-C No. 6290 of 2025 and Writ-C No. 6292 of 2025 wherein the writ petitions filed by the appellants have been dismissed.

2. The petitions were filed seeking to question the validity of the action of the respondents in pairing of schools. The appeals and the writ petitions are confined to District Sitapur.

3. The challenge was laid primarily on account of the fact that paired schools violate the norm of having a school in the neighbourhood under the provisions of the Right of Children to Free and Compulsory Education Act, 2009, and in violation of Article 21-A of the Constitution of India.

4. Before the learned Single Judge, apparently no counter affidavit was filed and in para 11 of the judgment impugned, it

has been noticed that learned Additional Advocate General had placed certain minutes and material with regard to the stand taken by the respondents.

5. During the course of submissions before this Court, when reference to the documents produced before the learned Single Judge was made and certain discrepancies were noticed by the Court and were pointed out to the learned Additional Advocate General, today an application for taking affidavit on record has been filed. Along with the affidavit, the entire bunch of documents, which were said to have been produced before the learned Single Judge, has been produced as part of the affidavit and the discrepancies pointed out by the Court have all been sought to be explained. The affidavit is taken on record.

6. Counsel for the appellants pray for time to file response to the said affidavit filed by the respondents.

7. The response on behalf of the appellants may be filed before the next date.

8. List the appeals on 21.08.2025 as fresh.

9. In the meanwhile and till the next date, only in respect of District Sitapur, on account of the fact that certain glaring discrepancies have been noticed by the Court which are sought to be explained by the respondents, *status quo* as it exists today, *qua* the implementation of the exercise undertaken by the respondents for pairing of schools shall be maintained.

10. We make it clear that, at this point of time, the grant of interim order has nothing to do with the merit of the policy and its implementation as such.

Order Date :- 24.7.2025

Harshita/AHA

(Jaspreet Singh, J) (Arun Bhansali, CJ)