

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 117 OF 2016

Mrs.Rita Pannalal Kanojia. ... Petitioner.
V/s.
The Principal,
Lokmanya Tilak High School and others. ... Respondents.

None for the petitioner.

Mrs. Neha Bhide, AGP for respondent Nos.2 and 3.

Rui Rodrigues with Purnima Awasthi and D.P.Singh
for respondent No.4.

Vinod Mahadik for respondent No.5.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND G.S.KULKARNI, J.**

DATE : 13th April 2017.

PC. :

Vide order dated 17th June 2016 passed in Writ Petition No.6144/2016, the Division Bench of this Court observed several deficits with regard to implementation of the Right of Children to Free and Compulsory Education Act, 2009 ("RTE Act" for short) in its full spirit, especially with regard to clauses (d) and (e) of section

2 of the said Act. Based on those observations this public interest litigation (PIL) came to be registered suo motu.

2. Apparently, the grievance of the petitioner was redressed since admission was given in the neighbourhood school. In the present PIL, there is no particular school being pointed out or case of any ward or parent is pointed out where there is violation of RTE Act. Unless data is placed before this Court indicating that the student is waiting for admission to the neighbourhood school in terms of section 12(2) of the RTE Act or that there is violation of the said Act either by the respondent authorities or the school management, we cannot take any cognizance and give directions. Whenever such violations are brought to our notice in any individual case, directions can be given depending upon the deficits pointed out.

3. So far as present PIL is concerned, since rules are already framed and the mechanism is already in existence, for the present we need not give any positive directions. We also point out that the Union of India has filed two affidavits wherein they have categorically mentioned that Integrated Child Protection Scheme (PCPS) is already in its place which is aimed at building a protective environment for children in difficult circumstances as well as other vulnerable children. Integrated Child Development Scheme (ICDS) is aimed to provide services like supplementary nutrition,

immunization, health checkup, referral services, pre-school non-formal education, and nutrition and health education. It includes proper psychological, physical and social development of the children of the age group of 3 to 6 years. They have also placed on record that there is another centrally sponsored scheme by name “SABLA” which aims at all-round development of adolescent girls of 11 to 18 years. This refers to nutrition and non-nutrition components including the children who attend Anganwadi Centres. There is another scheme by name Beti Bachao, Beti Padhao Scheme (BBBP) to address the issues of decline in Child Sex Ratio in 100 gender critical districts. The scheme aims at prevention of gender biased sex selective elimination; ensure survival and protection of girl child; and ensure education of the girl child. These schemes are from the Ministry of Women and Child Development, Government of India.

4. There is one more affidavit filed on behalf of respondent No.4 which at page-38. It is filed after taking information and material situation from the Department of School Education and Literacy, Ministry of Human Resource Development. The said affidavit refers to section 8 of the RTE Act with reference to rule 6(6) of Central Right of Children to Free and Compulsory Education Rules, 2010 (“said Rules” for short) wherein the the responsibility is put on the local authorities to identify the neighbourhood school where the child can be admitted. Apart from this responsibility,

there has to be creation of awareness on such information to the public. Sub-rule (7) of rule 6 refers to children with disability which prevent them in the normal circumstances to have access to the school. Now by virtue of sub-rule (7) of rule 6 there is obligation on the appropriate Government or the local authority to make appropriate and safe transportation arrangements for such children so as to enable them to pursue their education. Section 8 of RTE Act refers to duties of the appropriate Government. It also refers to inclusion of third gender children to integrate them with other children among social and educational backward classes. The guidelines dated 25th July 2001 under section 35(1) of the RTE Act are also placed on record which in detail refers to various provisions with reference to obligation of the State under the directive principles of the State Policy so also the obligation of the schools run by the said local bodies including specified category schools.

5. In case of violation of these guidelines, rules or the provisions of the RTE Act, any one can bring the same to the notice of the Court for rectification and the same will be addressed.

6. With the aforesaid observations, this PIL is disposed of.

(G.S.KULKARNI, J.)

CHIEF JUSTICE