

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

107

CWP-25372-2017

Date of Decision : 07.11.2017

Charanjeet Kaur and others

..... Petitioners

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. P.S. Khurana, Advocate
for the petitioners.

AJAY TEWARI, J. (Oral)

By this petition the petitioners has challenged the letter dated 26.10.2017 (Annexure P-2). By this letter the State Government had noticed that though there were different enactments in place dealing with education of children above the age of 6 years, there had been no State action to cater to the needs of children below 6 years. For this purpose the State of Punjab has proposed that children between the age of 3 to 6 years may be enrolled in the primary schools for pre-primary education.

Possibly this had sprung from the realization that in fact a large segment of children below the age of 6 years actually go to schools, and in most cases private schools to get pre kindergarten education. To that end the State has decided that this programme would start from 14.11.2017 and admissions therefor start from 25.10.2017. The petitioners are all workers and helpers in different Anganwadi Centres of the State of Punjab who have been engaged under the Integrated Child Development Scheme. They

have challenged the said letter on the ground that this action could only have been done after amending the Punjab Primary Education Act, 1960 and the Punjab Right of Children to Free and Compulsory Education Rules, 2011. As per the counsel for the petitioners, the Punjab Primary Education Act, 1960 defines the “child” as a boy or girl within such age-group not being less than six or more than fourteen years and thus these classes could not have been started without amending this age limit to minimum age to 3 years since under the scheme children between the age of 3 to 6 years have to be imparted classes. I am afraid this argument is completely misconceived. Once it is clear that the children covered under the new project are less than 6 years of age they are obviously outside the pale of the Punjab Primary Education Act, 1960. Otherwise also, counsel for the petitioners has not been able to point out how and why the State is not empowered to take this action.

Petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

November 07, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No