

HIGH COURT OF CHHATTISGARH, BILASPUR**WPIL No.24 of 2018**

- C.V. Bhagvant Rao S/o Late Shri C.V. Suryanarayanan, Aged About 57 Years
R/o Mig/2-39, Hudco Colony, Bhilai Ps- Kotwali, District Durg (Chhattisgarh),
District : Durg, Chhattisgarh

---- Petitioner**Versus**

1. Union Of India Through Secretary, School Education, Ministry Of Human Resources And Development, Shastri Parliament Street, New Delhi., District : New Delhi, Delhi
2. State Of Chhattisgarh, Through Chief Secretary, New Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
3. The Secretary, Department Of School Education, New Mantralaya, Mahanadi Bhavan, New Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
4. Director, Department Of Education, New Mantralaya, Indirawati Bhavan, New Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Devershi Thakur , Advocate
For Respondent No.1	:	Shri B. Gopa Kumar, ASG
For Respondents No.2 to 4:	:	Shri Y. S. Thakur, Additional Advocate General

**D.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava &
Hon'ble Shri Justice Sharad Kumar Gupta**

Order On Board**22/03/2018**

Heard.

2. The Relief sought in this petition, are as under:-

10.1 A writ and/or an order in the appropriate nature of directing the respondents to explicitly apply the conditions of the RTE Act & RTE Rules to the fullest and provide the free books, writing materials and School uniform in compliance of Rule 9(1) of the RTE Rules unaided school to the children admitted in schools within definition of Sec.2(n)(i) & Sec.2(n)(ii) of RTE Act.

10.2 A writ and/or an order in the appropriate nature of directing the Respondent State to ensure through their responsible officers, that all the children are provided free books, writing materials and School uniform in compliance of Rule 9(1) of the RTE Rules unaided school to the children admitted in schools within definition of Sec.2(n)(i) & Sec.2(n)(ii) of RTE Act.

10.3 Any other relief, which this Hon'ble Court, may deem fit in the facts

and circumstances of the case.

10.4 Cost of the petition may also be awarded.”

3. Learned State counsel rightly pointed out that a WP(PIL) No.52 of 2017 was entertained by this Court earlier, in which, very comprehensive directions have been issued to the State Government in the matter of providing Text Book and Uniform etc. in discharge of statutory obligations under the provisions of the Right to Education Act, 2009.

4. Upon perusal of the order dated 21-08-2017 passed by this Court earlier in WP(PIL)No.52 of 2017, we found that following directions were issued:-

8. “Per capita expenditure to be incurred for the children in the schools is a matter for determination by the Government applying different yardsticks which would apply when dealing with that sector. A modality has to be definitely made to ensure that the eligibility of every child to free textbooks, writing materials, uniforms etc. reaches it through the school concerned, in the form of such materials and not by money/cash equivalent to be distributed to the child or its parent/guardian.

9. For the aforesaid reasons, we order this writ petition directing that the Respondents No. 2 to 4 will consider the entire gamut of issues arising out of the factors pointed out hereinabove in the light of the contents of Annexure P/1 and take appropriate decision having regard to all facts and circumstances so that the issue can be resolved by ensuring that there will be equitable and meaningful use of the financial resources of the State, to the extent possible, for the purpose of discharging its duties and obligations in terms of the provisions of the Act. The said Respondents will make every endeavour to arrive at a decision with an aim to, possibly effectuate it during the current academic year itself.”

5. Having considered the submission of learned counsel for the parties and material on record, we are not inclined to issue notice to the State Government in this matter, because issue raised in this petition, incidentally came up for consideration before this Court earlier.

6. In view of above, this writ petition, at this stage, is finally disposed off. However, in future, if eventuality so arises, the petitioner would be at liberty to approach this Court again.

SD/-
(Manindra Mohan Shrivastava)
Judge

SD/-
(Sharad Kumar Gupta)
Judge