

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12798 of 2019

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Ram Ekwil Singh S/o Late Rama Nand Singh R/o Village- Dumri Khurd,
P.O. BakhriSupayan, P.S.- Raj Pokhar, District Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Vaishali, Hajipur.
4. The District Education Officer Vaishali, Hajipur.
5. The District Programme Officer, Secondary Education, Vaishali, Hajipur.
6. The Principal, St. Pauls High School Bagmali, Hajipur (Vaishali).
7. The Vice Principal, St. Pauls High School, Bagmali, Hajipur (Vaishali).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s. Syed Arshad Alam, Advocate Anjum Perveen, Advocate
For the Respondent/s	:	Ms. Shilpa Singh (GA12)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 26-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“a) To direct the respondent authorities respondent no.6 and respondent no.7 to allow students enrolled in the year 2010 under Right to Education Act 2009 to continue their education in the said school.

b) To direct the respondent authorities to hold an inquiry in the private schools in Vaishali District at Hajipur to ensure that the students of weaker sections who are admitted / enrolled in the school since 2010 under Right to Education (RTE) Act 2009/2010, are getting continuous free education in these schools.

c) To direct the respondent authorities to hold an inquiry in the private schools in Vaishali District, Hajipur to

ensure that the students who have attained 14 years of age are not discriminated in any manner provided by the school they are enrolled in Their Right to Free Education is not terminated as a result of attaining the said 14 years of age and they are assisted in every manner possible for realizing their dream of Basic Education.

d) To direct the respondents to grant adequate aid/share to private schools under Right to Education Act, so that the students of weaker section could get continuous free education at par with other children.

e) To grant any other relief-reliefs for which the petitioner is entitled under the facts and circumstances of the instant writ application.”

Counter affidavit has been filed on behalf of Education Department, in which it has been stated that under the Right to Education Act, 2009, of Government of India, all students in the age group of 6 to 14 will be given free education in Govt. Schools, and at the same time 25 percent seats were earmarked for students of weaker sections/disadvantaged communities in the private schools situated in neighbourhood school till completion of elementary education.

It is further stated *“That Sec.2 (n)(v) of the RTE Act, 2009 covers the school in question as follows”an unaided school not receiving any kind of aid or grant to meet it’s expenses from the appropriate govt. or the local authority.” as also “the school specified in sub clauses (iii) and (vi) of clause (n) of Section 2 shall admit in Class-I, to the extent of at least twenty five percent of the strength of that class, children belonging to the weaker section and disadvantaged group in the*

neighbourhood and provide free and compulsory elementary education till it's completion."

Under the RTE Act, 2009 the free and compulsory education up to the age of 14 years is available only up to elementary education i.e. upto Class-VIII and no free education can be provided beyond elementary education and petitioner has already completed the elementary education from the school in question and has passed the Class-VIII examination and School Leaving certificates has already been issued to the concerned student. Government has provided all educational and other amenities in its middle and secondary schools where any student can continue his further studies.

In said view of the matter, no purpose would be served by keeping this PIL pending any further, accordingly, writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay-Ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.08.2022
Transmission Date	NA