

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2580 of 2023

Raunak Sinha, S/o Arvind Kumar Sinha, R/o Mahendrapuram Apartment,
Block- A, House No. 4, Polsan- Digha Road, Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Main Secretariat Building, Patna 800015
2. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Primary Education, Department of Human Resource Development Bihar, Patna.
4. The District Education Officer, Araria.
5. The District Education Officer, Arwal
6. The District Education Officer, Aurangabad.
7. The District Education Officer, Banka.
8. The District Education Officer, Begusarai.
9. The District Education Officer, Bhagalpur.
10. The District Education Officer, Bhojpur.
11. The District Education Officer, Buxar.
12. The District Education Officer, Darbhanga.
13. The District Education Officer, Purvi Champaran.
14. The District Education Officer, Gaya.
15. The District Education Officer, Gopalganj.
16. The District Education Officer, Jamui.
17. The District Education Officer, Jehanabad.
18. The District Education Officer, Kaimur (Bhabua).
19. The District Education Officer, Lakhisarai.
20. The District Education Officer, Khagaria.
21. The District Education Officer, Kishanganj.
22. The District Education Officer, Katihar.
23. The District Education Officer, Madhepura.
24. The District Education Officer, Madhubani.
25. The District Education Officer, Munger.
26. The District Education Officer, Muzaffarpur.
27. The District Education Officer, Nalanda.
28. The District Education Officer, Nawada.
29. The District Education Officer, Patna.



30. The District Education Officer, Purnia.
31. The District Education Officer, Rohtas.
32. The District Education Officer, Saharsa.
33. The District Education Officer, Samastipur.
34. The District Education Officer, Saran.
35. The District Education Officer, Sheikhpura.
36. The District Education Officer, Sheohar.
37. The District Education Officer, Sitamarhi.
38. The District Education Officer, Siwan.
39. The District Education Officer, Vaishali.
40. The District Education Officer, Pashchim Champaran.
41. The District Education Officer, Supaul.

... ... Respondent/s

Appearance :

For the Petitioner	:	Mr. Raunak Sinha (In Person)
For the Respondents	:	Ms. Shilpa Singh (GA-12)
		Mr. Apurva Kumar, Advocate
		Mr. Sanjiv Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 09-05-2023

1. Alleging lack of proper and effective implementation of the provisions of the Rights of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as “RTE Act”), the instant writ petition has been filed in the form of a Public Interest Litigation (PIL). The petitioner seeks direction upon the respondents for ensuring effective implementation of the RTE Act and the Bihar State Free and Compulsory Education of Children Rules, 2011 (hereinafter



referred to as “2011 Rules”) in true letter and spirit.

2. It is submitted by the petitioner in person that right to education must be considered as a right to quality education. He submits that the State is not taking adequate steps to ensure realization of the objectives in the RTE Act which have to be read with Article 21A of the Constitution of India. Reliance is placed on extracts of a report published by a Non-Governmental Organization (NGO) to show that adequate steps are not being taken for ensuring quality education.

3. Having gone through the provisions of the RTE Act, we find that the RTE Act contains provisions which adequately deal with the infrastructural requirements for schools and the norms and standards for establishment of schools. It also provides for the laying down of minimum qualifications/standards for appointment of teachers. The act enables effective monitoring of all requisite standards including the powers to issue directions, which powers have been conferred upon the Commission for Protection of Child Rights established at the State level and the National level; as well as the appropriate Government and Local Authority, as the case may be depending upon the school.

4. From the writ petition, it is apparent that the



petitioner who claims to be interested in enforcement of the constitutional mandate under Article 21A and RTE Act for ensuring quality education, has not taken any steps in this regard by moving any of the authorities specified under the RTE Act by raising any specific grievance. Without doing so, he has approached this Court by making vague and sweeping allegations alleging general deficiencies in implementation of the RTE Act for quality education in the State.

5. We, in the circumstances, are not inclined to proceed with the matter as a PIL and leave it to the petitioner to invoke the remedies available under the RTE Act and the 2011 Rules framed thereunder.

6. With such liberty, writ application is dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.05.2023
Transmission Date	NA

