

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6829 of 2023

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Prem Kumar, S/o Shree Rama Shankar Sharma, Resident of Village- Naduna, P.S.-Bhagwanganj, Masaurhi, District-Patna, at present Resident of Mohalla-Tilak Nagar, Rukanpura, Bailey Road, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Collector, Patna.
4. The District Education Officer, Patna.
5. Radiant International School, Khagaul Road, Patna-801105, through its Principal.
6. Sarswati Residential School, Prakash Nagar, Shrichanpur, Bihta, Patna-801111 through its Principal.
7. Shivam Vidya Mandir Patut, Vikram, Patna-801112, through its Principal.
8. B.D. Public School, Buddha Colony, patna-800001, through its Principal.
9. D.A.V. Public School, Board Colony, Punaichak, Rajbanshi Nagar, Patna-800023, through its Principal.
10. Gyan Niketan, Vithal Vihar Complex, Ranjan Path, Gola Road, Patna (Danapur)-801503, through its Principal.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Himanshu Shekhar, Advocate

For the State : Mr. Kinkar Kumar, SC-9

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 09-05-2023

1. The writ application has been filed in the nature of a Public Interest Litigation (PIL) alleging that the schools are not complying with the provisions of the Rights of Children to



Free and Compulsory Education Act, 2009 (hereinafter referred to as “RTE Act”) and the schools are not extending the benefits of the said Act as such children between age 6 to 14 years are not being provided free and compulsory education.

2. Having gone through the provisions of the RTE Act, we find that the RTE 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.

3. From the writ petition, it is apparent that the petitioner who claims to be interested in enforcement of the RTE Act, has not taken any steps in this regard by approaching any of the authorities specified under the RTE Act raising any specific grievance. Without doing so, he has approached this Court by making vague and sweeping allegations alleging deficiencies in implementation of the RTE Act.

4. 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.



5. 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

