



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

CM-89-CWPIL-2025 in/and CWP-PIL-285-2024

Date of decision : 09.04.2025

K.S. Raju Legal Trust

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Jagmohan Singh Raju, Chairman of Petitioner Trust in person
Mr. Salil Sabhlok, Senior DAG, Punjab.
Mr. Satya Pal Jain, Addl. Solicitor General of India, with
Mr. Dheeraj Jain, Senior Panel Counsel, UOI.

SHEEL NAGU, CHIEF JUSTICE (Oral)

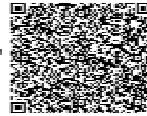
CM-89-CWPIL-2025

For the reasons stated in the application filed by the petitioner, duly supported by an affidavit, hearing of the main case is pre-poned and it is being taken today.

Application stands allowed.

CWP-PIL-285-2024

1. This Court, while taking cognizance of the matter, which is a Public Interest Litigation, on 19.02.2025 passed an interim order directing all the private unaided recognised schools to reserve 25% of seats in Class I, to be



filled up exclusively by children belonging to weaker sections and disadvantaged group living in the neighbourhood of the school concerned to provide free and compulsory education, in terms of Section 12 (1) (c) of the Right of Children to Free and Compulsory Education Act, 2009 (in short “the RTE Act, 2009”).

2. This Court was compelled to issue the aforesaid interim direction, since there was an apparent conflict between the provisions of the Punjab Rights of Children to Free and Compulsory Education Rules, 2011, in particular Rule 7 (4), and the mandate of Section 12 (1) (c) of the RTE Act, 2009.

3. Affidavit dated 21.03.2025 of the Secretary to Government of Punjab, Department of School Education, filed by the State of Punjab, reveals that vide notification issued on 20.03.2025 (Annexure R-1), the Department of School Education, Government of Punjab, has carried out amendment in the Punjab Rights of Children to Free and Compulsory Education Rules, 2011, by deleting Rule 7 (4) of the said Rules.

4. In view of the above, fundamental prayer of the petitioner contained in prayer Clause (i) of the petition is rendered infructuous. Thus, this Court need not enter into the academic exercise of assessing the vires of Rule 7 (4) of the said Rules of 2011, which is no more on the Statute books.

5. So far as the other prayers are concerned, this Court disposes of this petition with a direction to the State of Punjab that the RTE Act, 2009 be followed to the hilt while making admissions in Class I and in case, there is any conflict between the Provincial Rules of 2011 and the Central Act of 2009,



then the provisions of the Central Act would prevail.

6. Petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

April 09, 2025
narotam

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No