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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2416 of 2026

Reserved on 21.08.2026

Delivered on _06.10.2026

SHYNA AJAY

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Date: 2026.10.09 10:38:40 +0530

1 - Atharv Gupta (Minor) Class-II, Through Natural Guardian Father Namely Jitendra Gupta, S/o. Ashok Gupta, Aged About 37 Years R/o. Ward No. 6, Kargi Road, Kota, District- Bilaspur (C.G.)

2 - Vivan Shrivas (Minor) Class-II, Through Natural Guardian Father Namely Lokendra Shrivas, Aged About 43 Years S/o. Bansilal Shrivas, R/o. Ward No. 10, Kargi Road, Kota, District- Bilaspur (C.G.)

3 - Mayank Yadav (Minor), Class- V, Through Natural Guardian Father Namely Jaleshwar Yadav, S/o. Malikram Yadav, Aged About 37 Years, R/o. Village MohanBhata, Kota, District- Bilaspur (C.G.)

4 - Manan Yadav (Minor) Class- V, Through Natural Guardian Father Namely Jaleswar Yadav, S/o. Malikram Yadav, Aged About 37 Years, R/o. Village Mohanbhata, Kota, District- Bilaspur (C.G.)

5 - Bhumika Sony (Minor) Through Natural Guardian Father Namely Ramvilas Soni, S/o. Jeevan Lal Soni, Aged About 39 Years, R/o. Village MohanBhata, Kota, District- Bilaspur (C.G.)

6 - Anaya Anant (Minor) Through Natural Guardian Father Namely

Laxmi Prasad Anant, S/o. Shri Bhagbali Anant, Aged About 45 Years, R/o. Bazar Para, Kota, District- Bilaspur (C.G.)

7 - Priya Tandan (Minor) Through Natural Guardian Father Namely Mohan Tandan, S/o. Nadhuram Tandan, Aged About 45 Years, R/o. Ramnagar, Kota, District- Bilaspur (C.G.)

8 - Krishna Tandan (Minor) Through Natural Guardian Father Namely Mohan Tandan, S/o. Nadhuram Tandan, Aged About 45 Years, R/o. Ramnagar, Kota, District- Bilaspur (C.G.)

9 - Shweta Khandey (Minor) Natural Guardian Father Namely Santram Khandey, S/o. Dhelauram, Aged About 50 Years, R/o. Ranisagar, Kota, District- Bilaspur (C.G.)

10 - Sapna Khandey (Minor) Natural Guardian Father Namely Santram Khandey, S/o. Dhelauram, Aged About 50 Years, R/o. Ranisagar, Kota, District- Bilaspur (C.G.)

11 - Sheetal Khandey (Minor) Natural Guardian Father Namely Santram Khandey, S/o. Dhelauram, Aged About 50 Years, R/o. Ranisagar, Kota, District- Bilaspur (C.G.)

12 - Shrejal Miry (Minor) Natural Guardian Father Namely Shankar Miry, S/o. Maniram Miry, Aged About 37 Years, R/o. Village MohanBhata, Kota, District- Bilaspur (C.G.)

13 - Manswin Miry (Minor) Natural Guardian Father Namely Shankar Miry,, S/o. Maniram Miry, Aged About 37 Years, R/o. Village MohanBhata, Kota, District- Bilaspur (C.G.)

14 - Geesu Sony Miry (Minor) Natural Guardian Father Namely Shiv Kumar Soni, S/o. Gethulal Soni, Aged About 37 Years, R/o. Village MohanBhata, Kota, District- Bilaspur (C.G.)

15 - Shreyanshi Gupta Miry (Minor) Natural Guardian Father Namely Shailendra Kumar Gupta, S/o. Ramlal Gupta, Aged About 37 Years, R/o. Village Firangi Para, Kota, District- Bilaspur (C.G.)

16 - Priyansh Gupta (Minor) Through Natural Guardian Father Namely Deepak Gupta, S/o. Rampal Gupta, Aged About 34 Years, R/o. Village Ward No. 6, Main Road Kota, Kota, District- Bilaspur (C.G.)

... Petitioner(s)

versus

1 - Union Of India Through Its Secretary, Ministry Of Education Shastri Bhawan New Delhi.

2 - State Of Chhattisgarh Through Its Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District- Raipur (C.G.)

3 - The Director, Public Instruction, Indravati Bhawan, Atal Nagar, Naya Raipur C.G. District- Raipur

4 - The Collector Bilaspur, District- Bilaspur (C.G.)

5 - The District Education Officer, Bilaspur, District- Bilaspur (C.G.)

6 - St. Xavier's High School, Bharni, Through Its Principal/Manager, Bharni, Block Takhatpur, District- Bilaspur (C.G.)

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s)	**:**	Ms. Vagisha Tiwari, Advocate
For Respondent/ State	**:**	Mr. RK Gupta, Additional Advocate General

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

C A V Order

1. By way of this petition under Article 226 of the Constitution of India, the petitioners (minor students acting through their natural guardians/guardians) essentially call into question:

   (i) The validity of the Circular/Instruction dated 30.3.2022 (Annexure P/1) issued by the Directorate of Public Instructions, State of Chhattisgarh, to the extent that its provisions are being applied by the respondent authorities to treat an institutional merger as an absolute closure, thereby forcing the transfer of RTE beneficiaries into state-run facilities; and

   (ii) The legality and propriety of the Order dated 16.4.2026 (Annexure P/2) passed by the District Education Officer, Bilaspur, whereby the proposed merger of St. Xavier's High School, Kota into St. Xavier's High School, Bharni stood rejected, accompanied by a consequential directive transferring the petitioner-minor students out of the private school system into neighbouring Government schools.

2. The petitioners have prayed for the following reliefs in the petition :

   > *I. Issue an appropriate writ, order or direction, particularly a writ in the nature of Certiorari, quashing the impugned action of the Respondents directing the shifting of the Petitioners to Government Schools, including*

the letter/order dated 16.04.2026 (Annexure P/2);

II. Issue a writ of Mandamus or Declaration, declaring that the instruction/circular dated 30.03.2022 (Annexure P/1) is arbitrary and cannot be applied to compulsorily shift students from an English medium school to a government school when a willing private alternative exists within the same school chain or a nearby private school is available for admission, and the parents have consented to such continuation;

III Issue a writ of Mandamus directing the Respondents to allow the Petitioners to continue their education either at St. Xavier's High School, Bharni (Respondent No. 5), or at any other nearby suitable English medium school of their choice (including DAV Public School, Ranisagar, Kota), for the academic session 2026-27;

IV. Issue a writ of Mandamus directing the Respondent authorities to ensure that the continuity of RTE benefits, including free education and entitlements, is not disrupted during the pendency of the proceedings; ALTERNATIVELY, it may kindly be directed to the DEO to make further direction for the admission of petitioners in an alternative school i.e. DAV School Ranisagar, Kota, C.G.

V. Pass any other order or direction as this Hon'ble Court may deem fit and proper in the interest of justice.

3. Brief facts of the case are that the petitioners are minor students studying at St. Xavier's High School, Kota (Ranisagar), District Bilaspur (C.G.), having been admitted under the Right to Education (RTE) quota. The petitioners are - Atharv Gupta (Minor), studying in Class-II, Vivan Shrivas (Minor), studying in Class-II, Mayank Yadav (Minor), studying in Class-V and Bhumika Soni (Minor), studying in Class-II. A list of approximately 66 similarly situated students exists. The management of St. Xavier's High School took a policy decision to merge its Kota branch with its other branch i.e. St. Xavier's High School, Bharni, Takhatpur, District Bilaspur (C.G.) with effect from 01.04.2026. The school management issued an official circular-cum-notification dated 24.03.2026 to all parents/guardians, assuring that the education of all existing students would continue seamlessly at the Bharni branch, no additional admission fee would be charged, student records would be transferred and transportation facilities would be provided on a reasonable cost basis. Relying on the aforesaid assurance, the petitioners' guardians voluntarily consented to the merger and submitted a detailed representation dated 17.03.2026 before the Collector, Bilaspur, requesting that their wards be permitted to continue their education at St. Xavier's High School, Bharni. Contrary to the school management's assurance and the parents' consent, the District Education Officer (DEO), Bilaspur (Respondent No. 3), passed the impugned communication/order dated 16.04.2026, rejecting the proposed merger on technical

grounds i.e. the two schools fall under different development blocks (Kota and Takhatpur), possess separate recognitions, and are situated approximately 20 km apart. The DEO further directed that the students, particularly those admitted under the RTE quota, be shifted to nearby Government schools. In the impugned order, the DEO placed main reliance upon an administrative circular dated 30.03.2022 (Annexure P/1) issued by the Directorate of Public Instructions, Chhattisgarh. The said Circular provides that in the event of the closure of a private school, the students studying therein are to be shifted to nearby Government schools. The State of Chhattisgarh, through the Joint Secretary, Department of School Education, filed a personal affidavit dated 17.04.2026 before this Court in WP(PIL) No. 22/2016. The affidavit reiterated reliance on the Circular dated 30.03.2022 and stated that the merger of the Kota campus with Bharni campus amounts to the closure of the Kota campus, necessitating the transfer of students to Government schools. This Court, after considering the said affidavit and the intervention application filed by the petitioners, passed an order dated 20.04.2026, granting liberty to the petitioners to challenge the impugned action before the appropriate forum. It is pertinent to submit that for the Academic Session 2026–27, the Directorate of Public Instruction issued a Circular dated 02.12.2025 prescribing the online RTE admission process and schedule via the official portal (rte.cg.nic.in) including school profile updates, nodal verification, student registration and seat allotment. Pursuant to the aforesaid

notification, St. Xavier's High School, Ranisagar, Kota actively participated in the RTE admission process for the Session 2026-27 by updating its school profile and undergoing nodal verification. Consequently, fresh students were allotted under the RTE scheme to the said school for the Academic Session 2026-27. Thus, the Respondent authorities themselves treated the institution as operational and functional for fresh RTE admissions for the Session 2026-27, while simultaneously treating it as "closed" for existing students and directing their forced displacement to Government schools. The impugned action of the Respondent authorities is inherently self-contradictory arbitrary, and reflects complete non-application of mind. The petitioners contend that no procedure prescribed under Section 18 of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) or Rule 16 of the Chhattisgarh RTE Rules, 2010 (which mandates a show-cause notice, an inquiry/inspection by a committee and an opportunity of hearing prior to withdrawal of recognition or closure), has been followed by the Respondent authorities. Despite non-compliance with the statutory provisions, the School is being treated as closed, and the petitioners are being forcibly displaced. The respondents have placed heavy reliance on the Circular dated 30.03.2022. However, the said Circular is only an executive instruction and does not derive any statutory force from Section 38 of the RTE Act. By directing that RTE students must be shifted only to Government schools, despite the availability of a suitable private school and the willingness of the parents to opt for

it, the Circular adopts an arbitrary and unreasonable approach. The Academic Session for 2026–27 has already commenced from April 2026. The petitioners face an imminent threat of forced admission into Government schools, which will cause severe academic disruption, a mid-stream change in the medium of instruction and irreparable injury to their education. The impugned action is contrary to the constitutional mandate under Article 21A of the Constitution of India and the statutory scheme of the RTE Act. Having no other speedy or efficacious alternative remedy, the petitioners have approached this Court. Hence, this Petition.

4. Ms. Vagisha Tiwari, learned counsel for the petitioners submits that the present proceedings do not involve a claim for statutory merger or compulsory transfer. Rather, the petitioners merely seek the continuation of their ongoing elementary education in a recognized institution administered by the very same management (Respondent No. 6). While a compulsory merger requires statutory authorization, a voluntary arrangement between a willing institution(s), consenting parents and existing students requires no specific statutory provision. She submits that the Respondent authorities have failed to show any provision that specifically prohibits such voluntary continuation. She further submits that the impugned decision relies only on the Circular dated 30.03.2022. The State has failed to establish that the impugned Circular has any legal origin or that it constitutes valid subordinate legislation framed in exercise of rule-making powers under Section 38 of the RTE Act. She submits that an executive

circular cannot restrict or defeat the provisions contained under Sections 8 and 9 of the RTE Act. She further submits that the State cannot resort to an administrative instruction to evade its statutory continuing obligation to guarantee uninterrupted elementary education to these children. The impugned decision of the District Education Officer (DEO) suffers from total non-application of mind and gross arbitrariness. The District Education Officer (DEO) mechanically applied the Circular without evaluating vital and undisputed facts. She submits that Respondent No. 6 agreed to accommodate all existing RTE students at its recognized Bharni Branch, provide transportation and further, the parents gave full consent to ensure the children's education continues uninterrupted. She also submits that granting the relief sought imposes no additional financial burden on the State beyond its existing RTE obligations. Learned counsel for the petitioner further submits the impugned order closing the school is illegal and *void ab initio* for total non-compliance with the mandatory statutory procedure under Section 18 of the RTE Act read with Rule 16 of the Chhattisgarh RTE Rules, 2010, as no show-cause notice was issued, no inspection committee was formed, no hearing was granted, and no prior approval of the government was obtained. She further submits that inter-se administrative or financial adjustments between the State and the institution cannot operate to the prejudice of minor children nor can such matters be invoked to defeat their fundamental right to education. She also submits that the respondents have proceeded

on the assumption that their obligation stood discharged merely because Government Schools were identified. Hence, learned counsel for the petitioner prays to quash the impugned order.

5. Mr. RK Gupta, learned Additional Advocate General for the State submits that neither the applicable RTE Act, the Rules framed thereunder nor the governing Government Policy contemplate or provide for the compulsory transfer, merger or shifting of students from one private unaided school to another private unaided school upon the closure of the former. He submits that the petitioners have failed to establish any statutory or fundamental right to demand admission or transfer to a private unaided institution of their choice. He submits that the State has discharged its obligation under Article 21-A of the Constitution of India by providing free and compulsory education and the petitioners cannot insist that such education must necessarily be provided through a private institution. He further submits that upon the closure of the private school, the District Education Officer (DEO) duly accommodated the petitioners in the nearest recognized Government school, ensuring that their elementary education continues uninterrupted. He further submits that Private unaided educational institutions enjoy institutional autonomy in matters of admission subject only to statutory regulations. He submits that the manner in which students are re-accommodated following the closure of a private school falls squarely within the administrative discretion and policy domain of the State. He lastly submits that all similarly situated students affected by the closure of the school

have been uniformly accommodated in nearby Government schools pursuant to a consistent policy. No hostile discrimination has been meted out to the petitioners and thus, no violation of Article 14 arises. Granting the relief sought would create serious administrative chaos and establish an undesirable precedent, enabling students of closing private entities to demand admission into private institutions of their choice without statutory authorization.

6. Heard learned counsel for the parties and also perused the documents annexed with the petition.

7. Evidently, the order/communication dated 16.04.2026 issued by Respondent No. 3 (District Education Officer, Bilaspur), whereby the proposal for accommodating the existing RTE admitted students at the recognized Bharni Branch of St. Xavier's High School was rejected, with a direction to relocate them to nearby Government schools upon the closure of the Kota Branch. Neither the RTE Act nor the Chhattisgarh RTE Rules, 2010 contain any statutory provision permitting or compelling the automatic transfer of RTE quota students from one private unaided school to another private unaided institution upon the closure of the former. Voluntary undertakings, consent of parents, or internal arrangements between the private management and guardians cannot create an enforceable public law remedy or entitle the petitioners to a writ of mandamus against the State in the absence of enabling legislation. The mandate of Article 21 A

of the Constitution of India read with Sections 8 and 9 of the RTE Act, imposes a continuing duty upon the State to guarantee free, compulsory and uninterrupted elementary education. This fundamental right guarantees access to elementary education, however, it does not confer an absolute right to demand education exclusively within a private unaided institution of choice. By enforcing the Circular dated 30.03.2022 to facilitate the immediate re-accommodation of the affected students in nearby recognized Government schools, the State authorities have acted strictly in accordance with policy and satisfied their statutory and constitutional obligations.

8. The impugned Circular dated 30.03.2022 lays down a uniform administrative mechanism to re-allocate students of closed private schools into nearby State institutions. The State has applied this policy uniformly to all 66 affected students of the Kota campus. In the absence of statutory guidelines permitting inter-block private migration, the State acted strictly within its policy domain. Given that there is no established hostile discrimination or arbitrary deviation from governing rules, the petitioners' claim alleging a violation of Article 14 of the Constitution fails.

9. In the matter of **Dr. Jaya Thakur Vs. Government of India and others** and others reported in **2026 SCC OnLine 133**, the following was held in para 129, 130 & 132 :

> ***129.*** *Thereafter, Article 21A came into effect on 01.04.2010 along with the RTE Act with the avowed objective to provide free and compulsory*

education to all children of the age six to fourteen years.

130. *In light of the aforesaid, Devesh Sharma v. Union of India, reported in (2023) 18 SCC 339, held that the fundamental right to education must be meaningful, and of good "quality". This Court traced the country's progress in making the right to education a justiciable and enforceable right. The relevant observations read thus:—*

> *"14. The 1986 National Policy on Education, modified in the year 1992, declared that free and compulsory elementary education of "satisfactory quality" be given to all children up to the age of fourteen years, before the nation enters the next century i.e. 21st Century.*
>
> *15. Later, in the seminal judgment of this Court in Unni Krishnan,* J.P. *v.* State of A.P. [Unni Krishnan, J.P. *v.* State of A.P., *(1993) 1 SCC 645 : 1 SCEC 523 : AIR 1993 SC 2178], it was held that children have a fundamental right to free education, till they complete the age of fourteen years.*
>
> *16. In the year 1997, in order to make free and compulsory education a fundamental right the 83rd Constitutional Amendment Bill was introduced in Parliament, to insert a new Article in Part III of the Constitution of India, which was to be Article 21-A. The Bill was sent for the scrutiny of the Parliamentary Standing Committee on Human Resources Development. The Standing Committee not only welcomed the amendment but in addition emphasises on the "quality of elementary education". This is what it said:*
>
> *"The eminent educationists felt that the Bill is silent on the "Quality" of Education. They suggested that there should be a reference to "quality" of education in the Bill. The Secretary, Education agreed that the "quality" aspect also has to be seen. Education definitely must mean "quality" education and anything less than that should not be called education. Therefore, the emphasis would be through strengthening the teacher education content, the Secretary stated." [Para 13 of the Report of the Parliamentary Standing Committee on Human Resource Development.]*
>
> *17. Finally, by way of the Constitution (86th Amendment) Act, 2002, Article 21-A, was inserted as a*

fundamental right in Part III of the Constitution, and made effective from 1-4-2010. Article 21-A of the Constitution reads as under:

"21-A. Right to education.—The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."

18. In order to fulfil the above mandate the Right to Education Act, 2009, was passed by Parliament on 20-8-2009, which became effective from 1-4-2010. The Object and Reasons of the Act declared loud and clear that what the Act seeks to achieve is not merely "free" and "compulsory" elementary education, but equally important would be the "Quality" of this education! The Preamble to the Act states "that every child has a right to be provided full-time elementary education of satisfactory and equitable "quality" in a formal school which satisfies certain essential norms and standards".

(Emphasis supplied)

132. *A three Judge Bench in State of T.N. v. K. Shyam Sunder, reported in (2011) 8 SCC 737, while dealing with the challenge relating to implementation of uniform system of education in Tamil Nadu observed that there shall be no discrimination in quality of education. It was observed that the right to education shall not be restricted only to free and compulsory education but also encompasses quality education. The quality of education disseminated shall be uniform irrespective of social, economic, and cultural background. Education is not merely access to school but an active process of developing the knowledge, skill, mind by formal schooling. The relevant observations read thus:—*

"20. The right to education is a fundamental right under Article 21-A inserted by the Eighty-sixth Amendment of the Constitution. Even before the said amendment, this Court has treated the right to education as a fundamental right. (Vide Mohini Jain *v.* State of Karnataka *[(1992) 3 SCC 666 : AIR 1992 SC 1858];* Unni Krishnan, J.P. *v.* State of A.P. *[(1993) 1 SCC 645 : AIR 1993 SC 2178] and* T.M.A. Pai Foundation *v.* State of Karnataka *[(2002) 8 SCC 481].)*

> *21. There has been a campaign that right to education under Article 21-A of our Constitution be read in conformity with Articles 14 and 15 of the Constitution and there must be no discrimination in quality of education. Thus, a common syllabus and a common curriculum is required. The right of a child should not be restricted only to free and compulsory education, but should be extended to have quality education without any discrimination on the ground of its economic, social and cultural background. Arguments of the propagators of this movement draw support from the judgment of the US Supreme Court in* Brown *v.* Board of Education *[98 L.Ed 873 : 347 US 483 (1953)] overruling its earlier judgment in* Plessy *v.* Ferguson *[41 L.Ed 256 : 163 US 537 (1895)] where it has been held that "separate education facilities are inherently unequal" and thus, violate the doctrine of equality.*
>
> *xxx*
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> *24. In State of* Orissa *v.* Mamata Mohanty *[(2011) 3 SCC 436 : (2011) 2 SCC (L&S) 83], this Court emphasised the importance of education observing that education connotes the whole course of scholastic instruction which a person has received. Education connotes the process of training and developing the knowledge, skill, mind and character of students by formal schooling. The Court further relied upon the earlier judgment in* Osmania University Teachers' Assn. *v.* State of A.P. *[(1987) 4 SCC 671 : AIR 1987 SC 2034], wherein it has been held as under : (Osmania University Teachers' Assn. case [(1987) 4 SCC 671 : AIR 1987 SC 2034], SCC p. 685, para 30)*
>
> *"30. … Democracy depends for its very life on a high standard of general, vocational and professional education. Dissemination of learning with search for new knowledge with discipline all round must be maintained at all costs."*
>
> *The case at hand is to be proceeded with keeping this ethical backdrop in mind."*
>
> (Emphasis supplied)

10. In the matter of **Dinesh Biwaji Ashtikar Vs. State of Maharashtra and others** reported in **(2026) 7 SCC 267**, the following was held in paragraphs 7.3, 8, 10 & 12 :

> ***7.3.****The third duty bearer; is the neighbourhood school. Under Section 12, a neighbourhood school is impressed with the responsibility of providing free and compulsory education. Section 12 articulates the*

responsibility of a neighbourhood school in the following terms:

"**12.** ***Extent of school's responsibility for free and compulsory education***.—(1) For the purposes of this Act, a school—

(*a*) specified in sub-clause (*i*) of clause (*n*) of Section 2 shall provide free and compulsory elementary education to all children admitted therein;

(*b*) specified in sub-clause (*ii*) of clause (*n*) of Section 2 shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent;

(*c*) specified in sub-clauses (*iii*) and (*iv*) of clause (*n*) of Section 2 shall admit in Class I, to the extent of at least twenty-five per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion:

Provided further that where a school specified in clause (*n*) of Section 2 imparts pre-school education, the provisions of clauses (*a*) to (*c*) shall apply for admission to such pre-school education.

(2) The school specified in sub-clause (*iv*) of clause (*n*) of Section 2 providing free and compulsory elementary education as specified in clause (*c*) of sub-section (1) shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed:

Provided that such reimbursement shall not exceed per-child-expenditure incurred by a school specified in sub-clause (*i*) of clause (*n*) of Section 2:

Provided further that where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

(3) Every school shall provide such information as may be required by the appropriate Government or the local authority, as the case may be."

The definition of "School" takes within its fold any recognised school imparting education and includes : (*i*) governmental school (*ii*) aided school receiving grants (*iii*) schools belonging to specified categories such as the

> Kendriya Vidyalaya, etc. and most importantly (*iv*) unaided school not receiving any grants. With respect to the specified and unaided schools not receiving any grants, Section 12 mandates that the "neighbourhood schools" shall admit in Class I, to the extent of at least twenty-five percent of the strength of that class, children belonging to weaker section and disadvantaged group for free and compulsory education. We will be examining this obligation of the school under Section 12(1)(*c*) in detail.

8. *It is necessary to underscore two foundational constitutional values that Section 12 of the Right of Children to Free and Compulsory Education Act, 2009 ("the RTE Act") is designed to articulate and secure. The first, in unequivocal terms, mandates that not less than twenty-five percent of the strength of an entry-level class shall be reserved for and filled by children belonging to "weaker sections" and "disadvantaged groups", who are thereby guaranteed access to free elementary education. The second is that such children are to be admitted to unaided schools in their neighbourhood, thereby embedding within the statutory framework the principle that the constitutional promise of education under Article 21-A is to be realised through common local schools rather than segregated or parallel systems.*

10. *Properly understood, this statutory design is normatively ambitious. It envisages elementary education for all children, across the spectrum of class, caste, gender and economic position, in a shared institutional space. It makes it possible, normatively and structurally, for the child of a multi-millionaire or even of a Judge of the Supreme Court of India to sit in the same classroom and at the same bench as the child of an autorickshaw driver or a street vendor. This is the manner in which Section 12 seeks to concretise the constitutional principle of fraternity alongside equality and liberty. A correct appreciation of fraternity must displace the traditional*

> *but mistaken view, often repeated in constitutional discourse, that it is not an enforceable value.*
>
> ***12.*** *The emphasis on "neighbourhood schools" is rooted in the National System of Education, as elaborated in the Kothari Commission Report, which recommended a Common School System whereby all children, irrespective of social or economic background, would attend the same neighbourhood schools and learn together in an integrated, non-segregated environment. This model envisages the school as a common civic space that breaks down barriers of caste, class and gender, and thereby advances substantive equality and social justice. The neighbourhood common school system under the RTE Act envisages that each child must have access to a neighbourhood school and such a system is central to the project of democratising schooling and reducing entrenched social inequalities.*

11. Coming to the facts of the present case, so far as the ground raised by learned counsel for the petitioners that St. Xavier's High School, Kota continued to appear on the RTE online portal for the Academic Session 2026–27 and that the school participated in the online admission process is concerned, this Court holds that an administrative error, technical issues or delay in updating the RTE portal for the 2026-27 session does not change the physical reality that the subject School is merged. A mere administrative listing on a Government portal cannot create an enforceable legal right to demand a transfer to another private institution, at best it merely indicates that the online records have not been updated in accordance with the management's decision to merge functioning

of this school with St. Xavier's High School, Bharni. Even otherwise, the petitioners have not placed any material on record to demonstrate that any fresh admissions under the RTE scheme were actually made in the institution after it had ceased its academic operations.

12. Furthermore, this Court is of the view that the statutory procedure prescribed under Section 18 of the RTE Act read with Rule 16 of the Chhattisgarh RTE Rules, 2010, mandating a show-cause notice, inquiry and hearing prior to the withdrawal of recognition is attracted only when the State initiates penal action to derecognize an institution. It has no application to a voluntary policy decision taken by private school management to close or relocate its operations. The petitioners' contention regarding procedural non-compliance is, therefore, legally misplaced.

13. In light of the aforesaid findings and in light of the principles laid down in the aforesaid judgments, this Court is of the opinion that the petitioners have failed to show any illegality, procedural infirmity or manifest arbitrariness in the impugned decision dated 16.04.2026 passed by the District Education Officer, Bilaspur, warranting judicial interference.

14. Before parting with the record, this Court observes that while the law does not allow an automatic transfer between private schools, the overall welfare of young children under the RTE scheme comes first. The Right to Education under Article 21-A is meant to

protect children and official procedures should never cause them academic loss just because a private school closes down.

15. Accordingly, while declining to interfere with the impugned order dated 16.4.2026, this Writ Petition is disposed of with the following directions :

> *(i) The Respondent/State authorities are directed to ensure that the process of accommodating the petitioners and similarly affected students into nearby Government schools is completed expeditiously.*
>
> *(ii) The State authorities shall prioritize placing the affected students into nearby State-run English medium institutions (such as Atmanand Excellent English Medium School) to prevent mid-stream academic hardship.*
>
> *(iii) The State and school authorities shall ensure a smooth transition without imposing administrative delays regarding Transfer Certificates or record transfers for the Academic Session 2026–27.*

16. With the aforesaid observations/directions, the Writ Petition is finally disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay..