

Bombay HC stays Maharashtra's decision exempting private schools from RTE admissions, cites 'overwhelming public interest'.

By Omkar Gokhale: May 6, 2024

The Bombay High Court on Monday stayed until further orders the operation of the February 9 notification of the Maharashtra government that exempted private schools within a one-kilometre radius of government or aided schools from Right to Education (RTE) Act quota admissions.

The RTE Act requires private schools to ensure that 25 per cent of Class 1 students admitted belong to a "weaker section and disadvantaged group in the neighbourhood." Students admitted under this quota are given fee concessions, and the state government reimburses private schools for the same.

The bench granted interim relief in a batch of pleas, including a writ petition by 17 people, including members of management of aided schools and parents from socio-economically backward classes. Appearing for the petitioners, senior advocate Gayatri Singh argued that the notification be stayed as it was contrary to the RTE Act that provides quota at municipal schools, aided schools, and private unaided schools.

The petitioners argued that the amendment was not only unconstitutional, being violative of Articles 14 (equality before law) and 21 of the Constitution, but was also in contravention of the principal Act of 2009, under which rules were formulated. They added that various high courts, such as Allahabad High Court, had struck down similar amendments made by respective state governments.

Additional Government Pleader Jyoti Chavan for the state argued that exclusion applied only to certain unaided schools and was 'not absolute' as the government or local authority has established schools within a one-kilometre radius of such private unaided schools. The bench had said everyone is bound by the mandate under the 2009 law for 25 per cent reservation in admission in Class 1 to children belonging to weaker sections.

Sharad Javdekar, the executive president of Akhil Bhartiya Samajwadi Shikshan Sabha, one of the petitioning associations from Pune, welcomed the court order. "The explanation of the RTE given by the Ministry of Education talks about the socialisation aspect of the quota under the RTE act, which enables socialisation between kids, whether rich or poor, in educational institutes at the fundamental level. We have been mobilising against these amendments which crush the spirit of the RTE law. The court has paid heed to our first demand which was for a stay on the amendments considering ongoing RTE admissions," he said.

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