**APEX COURT ISSUED NOTICE ON PETITION CHALLENGING KARNATAKA HC**

A nation's development depends on the systematic process of improving, learning, knowledge, skill and understanding about any particular thing. The most integral part of a society is education. Now, education is something which extends enlightening experiences to one while they grow in a school or a college. Studies have been the most primary focus of parents for their children in today's era.
While education is considered as the first and most integral right of every human being, without education one is incomplete in many ways. Education helps people to set a goal to move ahead by working in a particular direction with right knowledge throughout the life.
In India, Right To Education Act prevails to determine all the rights conferred to people regarding education.
In a recent case, the Karnataka HC upheld the new Right to Education (RTE) rule that prescribes that admission to a private unaided school under the RTE quota will be allowed only if there is no aided private school or a school established by the government or local authorities in the neighbourhood.
However the matter reaches upto the Apex Court to seek justice and a special leave petition was filed by RTE Students and Parents Association challenging that the amendment defeats the objective of the RTE Act to end class-wise segregation of students.

The top court issued a notice on a petition challenging the Karnataka HC which held that a student does not have a right to admission to a private school under the RTE Act if any government or aided school is available in the neighborhood.
The court was of the view that the main purpose of the RTE Act is to achieve socio-economic justice by integrating classrooms upon an economic basis. The bench observed that the petition highlights that the existence of government and private schools have created a two-tier, segregated system of education, where the economically well-off would send their children to study in private schools where education is usually conducted in the English language, while those from the weaker sections and disadvantaged groups would have no choice but to go to government schools, where instruction is frequently in vernacular.
The petition filed in the Apex Court challenging the HC's order also contended:

"Section 12(1)(c) was meant to break this de facto system of educational apartheid by integrating classrooms, and aiming to achieve social justice by guaranteeing diversity in the educational sphere from a very young age. Far from being a conditional or contingent obligation dependent upon whether or not the government had set up its own schools in a neighbourhood or not, therefore, the 25% obligation was at the heart and soul of the vision of the RTE Act."

It further said that the obligation under Section 12(1)(c) on a private school to admit at least 25% students is not "contingent or conditional" on the absence of a government or aided school nearby.

**Author**

**Badal Khurana**