

AMICUS BRIEF IN
RTE STUDENTS AND PARENTS ASSOCIATION
V. STATE OF KARNATAKA
[SLP NO 26228/2019] BEFORE
THE HON'BLE SUPREME COURT BENCH
COMPRISING OF
JUSTICE DIPANKAR DATTA
JUSTICE MANMOHAN

About Pacta

Pacta is a Bengaluru- based law firm and think- tank dedicated to reducing inequities by bridging the gaps between the intent and implementation of laws & policies. Pacta specializes in legal and policy consulting, emphasizing rigorous research and scholarship to improve public service delivery towards achievement of India’s sustainable development goals.

About Chitta

Pacta’s in-house research initiative - Chitta Initiative for Research by Pacta is a registered Public Charitable Trust, for driving evidence-based systems transformation, informed through rigorous, data-driven research.

Purpose of the Amicus Brief

This Amicus Brief is submitted by Pacta in the Supreme Court case of *RTE Students and Parents Association v. State of Karnataka*. The case concerns the constitutional and legal implications of Karnataka’s amendment to the Right to Education Act, 2009, which exonerates private unaided schools from admitting students from socially and economically disadvantaged categories under the 25% quota when government or aided schools are available within the neighbourhood. In this brief, we offer insights to the Court on establishing the amendment's misalignment with constitutional principles and its impact on educational equity, and ultimately, to quash the amendment as ultra vires and unconstitutional.

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*“... the Karnataka High Court had agreed with the submissions made on behalf of the State that the State Government or local authorities are under obligation to identify schools defined under Section 2(n)(iii) and (iv) only if there are no schools in the neighbourhood, however, while arriving at such conclusion it appears that the fact that condition of distance is absent in Section 12(1)(c) of the RTE Act, appears to have escaped the attention of the Hon’ble Judges. We have already noticed that Section 12 of the RTE Act is not conditional and accordingly, by providing a condition that private unaided schools shall be under obligation to admit 25% students belonging to disadvantaged groups and weaker sections of the society only in case there does not exist any Government/aided school within the periphery of 1 km of such unaided school by the impugned proviso, **the State Government has exceeded the provisions of the RTE Act itself. No subordinate legislation can be permitted to exceed what has been provided for in the Thus, the said judgment does not save the impugned proviso”***

- Extract from Para 75 of **Aswini Jitendra Kamble v. State of Maharashtra & Ors.**, where Bombay High Court examined the Order of the Karnataka High Court in **Education Rights Trust & Ors. v. Government of Karnataka** and opined that it is unconstitutional.

Section 1: Introduction

In August 2024, the Supreme Court bench comprising Justice D.Y. Chandrachud, Justice J.B. Pardiwala, and Justice Manoj Misra affirmed the Bombay High Court's decision ***Aswini Jitendra Kamble. v. State of Maharashtra & Ors***¹ in the case of ***Association of Indian Schools v. State of Maharashtra***². The High Court had struck down the Maharashtra government's amendment to the Right to Education (RTE) Act, which exempted private unaided schools within a one-kilometre radius of government schools from admitting children from disadvantaged and weaker sections under the 25% RTE quota.

Similar amendments to the Right to Education Act have been passed in Karnataka and Kerala. The Karnataka High Court upheld the validity of the Karnataka RTE Amendment Rules in ***Education Rights Trust v. Government of Karnataka***³. However, this decision is now under appeal in the Supreme Court in the case of ***RTE Students and Parents Association v. State of Karnataka***⁴, pending before Justice Dipankar Datta and Justice Manmohan. The outcome of this case, influenced by the precedent set in *Aswini Jitendra Kamble & v. State of Maharashtra & Ors.*, will have far-reaching implications for similar amendments in other states, including Kerala, and requires urgent resolution to ensure the upcoming admissions under the RTE quota are not adversely affected.

In this Amicus Brief, we present a case for the Supreme Court to quash the Karnataka RTE amendment as ultra vires and unconstitutional.

¹ Aswini Jitendra Kamble. v. State of Maharashtra & Ors, PIL NO. 14887 OF 2024

² Association of Indian Schools v. State of Maharashtra, SLP(C) No.17770/2024

³ Education Rights Trust v. Government of Karnataka, W.P. NO.8028 OF 2019

⁴ RTE Students and Parents Association v. State of Karnataka, SLP(C) No. 018836 / 2019

Section 2: Analysis of State Amendments on RTE Quota

Table 1 below provides a summary of amendments/orders passed in Maharashtra⁵, Karnataka⁶ and Kerala⁷ exonerating private unaided schools from admitting students under the 25% quota for children from disadvantaged groups or weaker sections.

Table 1: Comparison of Amendments exempting Private Schools from admitting Students under the RTE Quota

State	Amendment Date	Extract	Status
Maharashtra	9 th February, 2024	<p>Amendment of Rule 4</p> <p>In Rule 4 of the Maharashtra Right of Children to Free and Compulsory Education Rules, 2011 (hereinafter referred to as "the principal rules"), after sub-rule (5), the following proviso shall be added, namely:</p> <p><i>“Provided that, the Local Authority shall not identify the private unaided school, for the purposes of 25 percent admission of disadvantaged group and weaker section under the Maharashtra Right of Children to Free and Compulsory Education (Manner of admission of Minimum 25% children in Class-I or Pre-school at the entry level for the children belonging to disadvantaged group and weaker section) Rules, 2013, where Government Schools and aided schools are situated within a radius of one kilometre of that school.”</i></p>	Quashed as Unconstitutional

⁵ Maharashtra State Gazette, Notification No. RTE-2011/CR-25/S.D-1, Annexure I

⁶ Notification No. ED 36 PGC 2018 , Bengaluru, Dated : 30.01.2019, Annexure II

⁷ G.O.(Ms) No.154/2013/G.Edn Dated, Thiruvananthapuram, 3.5.2013, Annexure III

State	Amendment Date	Extract	Status
		<p><u>Amendment of Rule 8</u> In rule 8 of the principal Rules, in sub-rule (2), the following proviso shall be added, namely: <i>“Provided that, no private unaided school which is identified under the proviso to sub-rule (5) of rule 4 shall be eligible for reimbursement under sub-section (2) of section 12.”</i></p>	
Karnataka	30 th January, 2019	<p><u>Amendment of Rule 4</u> In Rule 4 of the Karnataka Right of Children to Free and Compulsory Education Rules, 2012 (hereinafter referred to as "the said rules"), – (i) In sub-rule (7), for the words "Local Authority," the words "Commissioner" shall be substituted; and (ii) After sub-rule (7), the following proviso shall be inserted, namely: – <i>“Provided that no unaided school falling under sub-clause (iv) of clause (n) of section 2 shall be identified for the purpose of admission of disadvantaged group or weaker section where there are Government Schools and aided schools are available within the neighbourhood.”</i></p> <p><u>Amendment of Rule 8</u> In rule 8 of the said rules, after sub-rule (2), the following provisos shall be inserted, namely: –</p>	Pending in SC

State	Amendment Date	Extract	Status
		<p><i>“Provided that no school referred to in sub-clause (iv) of clause (n) of section 2 which are not identified under sub-rule (7) of rule 4, shall be eligible for reimbursement under sub-section (2) of section 12.”</i></p>	
Kerala	3 rd May, 2013	<p>The expenditure incurred by the specified and unaided schools will be calculated and reimbursed as stipulated in the RTE Act. The students joining in the specified and unaided schools will be eligible for such concession from the Government only if there are no Government or aided schools within walking distance, i.e., 1 km for LP and 3 km for UP Schools.</p>	In Effect

Section 3: Key Issues with Karnataka's Amendment

Rule 4 of Amendment Rules exonerates private unaided schools from admitting students of disadvantaged and weaker sections under the 25% RTE quota, if government or aided schools were available within the neighbourhood. Rule 8 was amended to state that even if a private unaided school did admit students under the 25% quota, it will not qualify for reimbursement of costs under Section 12(2) of the Act.

Karnataka's amendment to the Karnataka Right of Children to Free & Compulsory Education Rules, 2012 under Section 12(1)(c) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 raises significant concerns as it undermines the fundamental right to education guaranteed by Article 21-A of the Constitution. These key issues are detailed below:

- 1. Forcing Admission in Government Schools:** This amendment forces children to enrol in government schools, several of which are under-equipped with teachers and learning resources which may lack adequate infrastructure, quality teaching, and overall resources necessary for holistic education.
- 2. Absence of English-Medium in Government Schools:** Government schools predominantly do not offer English-medium education, a significant factor that deters parents from enrolling their children in these schools. This limitation restricts parental choice and disadvantaged children from economically weaker sections (EWS) who might prefer or benefit from English-medium instruction.
- 3. Misconceptions about Financial Burden led Karnataka High Court to Uphold the Amendment:** In the Karnataka High Court, Shri Uday Holla repeatedly argued that reimbursement to private unaided schools under the 25% RTE quota imposes a financial burden on the State. However, this argument is of no persuasive value. Section 12(2) of the RTE Act, 2009, provides for reimbursement to unaided schools offering free elementary education, *limited to the lower of the State's per-child expenditure or the actual fee charged*. Thus, the state would spend that same amount if the child were enrolled in state run/ aided school, and not cause any additional burden to the state if a private school admitted the child. Further, the amendment to Rule 8, denies reimbursement to private unaided schools admitting children under the 25% quota, further discouraging well intentioned private schools from admitting children from disadvantaged and weaker sections even if they are willing to.
- 4. Conflict with Section 12(1)(c) of the RTE Act:** Section 12(1)(c) mandates private unaided schools to reserve 25% of their seats for children from weaker sections and

disadvantaged groups, irrespective of the presence of government schools in the neighbourhood. The obligation under Section 12(1)(c) of the RTE Act is not conditional on the government fulfilling its duty under Section 6 to establish public schools in every neighbourhood. Treating private schools as temporary arrangements misinterprets the Act's intent and undermines the obligation placed on private institutions. The provision is independent and ongoing, reflecting the legislature's intent to ensure inclusive education.

5. **Undermining Article 15(5) of the Constitution:** Article 15(5) empowers the State to make special provisions for socially and educationally backward classes, Scheduled Castes, and Scheduled Tribes. Limiting access to private unaided schools contradicts the spirit of inclusivity and equity envisioned by the Constitution. In **TMA Pai Foundation v. State of Karnataka**⁸ it was held that, *the RTE Act, 2009, enacted to give effect to Article 21-A, imposes reasonable obligations on unaided non-minority schools, such as reserving 25% of Class I seats under Section 12(1)(c). This does not violate constitutional rights, as Article 19(1)(g) is not absolute and must align with the State's duty to provide free and compulsory education. Education is an activity in which we have several participants. There are number of stakeholders including those who want to establish and administer educational institutions as these supplement the primary obligation of the State to provide for free and compulsory education to the specified category of children. Hence, Section 12(1)(c) also satisfies the test of reasonableness, apart from the test of classification in Article 14.*
6. **Amendment to RTE Rules Exceeds Limits of Subordinate Legislation:** The amendment to Rule 4 compromises the RTE Act's vision of inclusive education, prioritizing administrative convenience over statutory and constitutional mandates. Subordinate legislation, such as amendments to the RTE Rules, must align with the parent Act and cannot override its core provisions. **Courts have consistently held that subordinate legislation conflicting with the parent Act is ultra vires.** In **Union of India & Ors. v. S. Srinivasan**⁹. In the said judgment, it has been observed by the Hon'ble Supreme Court, inter alia; that if a rule goes beyond the rule making power or if a rule supplants any provision for which power has not been conferred on the rule making body, it is rendered ultra vires. Further observation by Hon'ble Supreme court in the said judgment is that basic test to determine and consider the validity of a subordinate legislation is the source of power and also the consideration as to whether such subordinate legislation is in accord with the parent statute as it cannot travel beyond it.

⁸ TMA Pai Foundation vs State of Karnataka, WP (C) 317 of 1993

⁹ Union of India & Ors. v. S. Srinivasan , AIR 2012 SC 3791

Section 12(1)(c) mandates private unaided schools to reserve 25% of their seats for children from weaker sections and disadvantaged groups, irrespective of the presence of government schools in the neighbourhood, and the Rules create an exception exonerating the private schools from this obligation. Thus, the Rules have exceeded the limit of subordinate legislation.

Section 4: Summary of Arguments Challenging the Maharashtra Amendment in Aswini Jitendra Kamble .v. State of Maharashtra & Others

1. Contraventions of Constitutional and Statutory Mandates

- i. **Arbitrary Nature of the Amended Rules:** The Amendment rules are arbitrary and fail to meet the objectives of the Right to Education (RTE) Act. By applying selectively, they create greater inequality in access to education, particularly for disadvantaged groups, and undermine the fundamental principles of fairness and the rule of law.
- ii. **Contradiction with the Eighty-Sixth Constitutional Amendment:** The Amendment rules contradict the objectives of the Eighty-Sixth Constitutional Amendment, which was enacted to ensure free and compulsory education in alignment with the Directive Principles of State Policy under Article 45. The 165th Report of the Law Commission¹⁰ and the 63rd Report of the Parliamentary Standing Committee on Human Resource Development on 'The Constitution (83rd Amendment) Bill, 1997,' which was ultimately enacted by Parliament as the Eighty-Sixth Constitution Amendment Act, have been referenced extensively, the impugned Amendment Rules are contrary to the aims and objectives of Article 21-A of the Constitution and the RTE Act, 2009.
- iii. **Violation of Article 21-A's Spirit:** By introducing limitations that undermine the objectives of inclusivity and equity, the (Maharashtra) Amendment Rules of 2024 violate the spirit and intent of Article 21-A, which was established to make education universally accessible and equitable.
- iv. **Conflict with the RTE Act's Objectives:** The Statement of Objects and Reasons (SOR)¹¹ of the Right to Education (RTE) Act highlights its purpose i.e implementing Article 21-A of the Constitution, which mandates free and compulsory education for children up to 14 years. RTE Act was enacted to fulfil this constitutional obligation by specifying how this right may be realized. Consequently, the Amendment Rules conflict with the aims and objectives of the RTE Act.
- v. **Undermining Article 15(5)'s Mandate:** Article 15(5) empowers the State to make special provisions for the advancement of socially and educationally backward classes, as well as Scheduled Castes and Scheduled Tribes, in relation to admission in educational institutions, whether aided or unaided. By undermining the provisions of Section 12(1)(c), the Amendment Rules violate this constitutional mandate, failing to advance the interests of these vulnerable groups.

¹⁰ Law Commission of India, *165th Report on Free and Compulsory Education for Children*, 1998,

¹¹[https://prsindia.org/files/bills_acts/bills_parliament/2017/RTE%20\(Second%20Amendment\)%20Bill,%202017.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2017/RTE%20(Second%20Amendment)%20Bill,%202017.pdf)

2. Inclusivity in Admissions and Reimbursement

Section 12(1)(c) - Inclusivity in Admissions: *Unaided private schools (as defined under Section 2(n)(iv) and (iii)) must reserve 25% of their Class 1 seats for children from weaker sections and disadvantaged groups in the neighbourhood. These children are entitled to free elementary education, which extends to pre-school education as well.*

Section 12(2) - Reimbursement for Unaided Schools:

Unaided schools are eligible for reimbursement of the expenses incurred for admitting children under Section 12(1)(c). The reimbursement amount is the lesser of the per-child expenditure incurred by the State or the actual fee charged by the school.

- i. **Mandatory Nature of "Shall Admit" in Section 12(1)(c):** Section 12(1)(c) imposes an unequivocal statutory obligation on unaided private schools to reserve 25% of their Class 1 seats for children from weaker sections and disadvantaged groups. The Amendment Rules 2024 undermine this mandate by introducing unsupported conditions.
- ii. **Lack of Distance-Based Condition in the RTE Act** Section 12(1)(c) does not require the presence of a government or aided school within a certain distance of an unaided private school. The Amendment Rules introduces a 1 km radius condition, which has no basis in the Act, rendering such a rule inconsistent with Section 12(1)(c).
- iii. **Binding Obligation of Section 12(1)(c):** Section 12(1)(c) imposes a binding obligation on private unaided schools to reserve 25% of their seats for disadvantaged children. The Amendment Rules 2024, which impose conditions contrary to this mandatory provision, are ultra vires the Act.
- iv. **Proviso to Rule 8(2):** The newly introduced proviso limits unaided schools' entitlement to reimbursement under Section 12(2) of the RTE Act. Even if such schools comply with Section 12(1)(c), they are ineligible for reimbursement under the Amendment Rules, which is not in line with the RTE Act's scheme.

3. Depriving Students from English Medium Curriculum

The Amendment Rules exclude private unaided schools within 1 km of government/aided schools from the 25% admission mandate for children of weaker and disadvantaged groups. If a government/aided school uses Marathi, Hindi, or another medium of instruction, and nearby unaided schools are excluded from the provisions of Section 12(1)(c), this deprives them from attending English medium schools This exclusion contradicts the intent of Section 12(1)(c).

4. Subordinate Legislation and Section 12(1)(c) of the RTE Act

Rules under **Sections 35 and 38** of the RTE Act must align with the Act's objectives of inclusivity and equitable education under **Article 21-A**. The impugned notification introduces a **1 km radius condition** for unaided private schools under **Section 12(1)(c)**,

which is not in the Act. Subordinate legislation that contradicts the parent statute is **void**.

Section 5: Judicial Precedents which Emphasise the Importance of Section 12(1)(C) of the RTE Act

Case	Relevant Case Summary
<u>T.N. Mukundan .vs. State of Kerala & Ors</u> ¹²	The petitioner filed a PIL in the Kerala High Court, seeking enforcement of Section 12 of the RTE Act, which mandates a 25% reservation in unaided schools for children from disadvantaged groups. The petitioner argued that schools, including those under CBSE and ICSE, were not complying, and the Kerala Government had inadequately enforced and publicized the provision. The State claimed it had issued guidelines in 2013 and disseminated information but acknowledged enforcement challenges. The court directed the Director General of Education, Kerala, to strictly monitor adherence to the RTE guidelines, ensuring unaided schools comply with the 25% reservation. It emphasized the need for effective enforcement and dismissed the petition with these directives while refraining from addressing admission fee issues, noting the Supreme Court's pending consideration of the matter.
<u>Gunjan as Guardian of Pihu & Ors. .vs. Govt. of NCT of Delhi & Ors</u> ¹³	The Delhi High Court addressed the denial of Class 1 admissions to EWS/DG category students transitioning from the Junior to Senior Wing of Holy Innocents Public School due to differing school IDs. The Court found this practice disrupted education continuity, violating Article 21A of the Constitution. It directed the Department of Education (DoE) to merge school IDs, appoint nodal officers for guidance, provide bilingual documentation, and streamline admissions to ensure inclusivity.
Modern School vs State Of Rajasthan ¹⁴	The Rajasthan High court ruled that the guidelines issued by the State of Rajasthan, mandating multiple entry levels for admissions in private unaided schools, were inconsistent with the provisions of the Right to Education Act, 2009, and previous judicial precedents. It emphasized that Section 12(1)(c) of the Act requires a single-entry point for admissions and that the lack of reimbursement for pre-primary education violated Section 12(2), which mandates

¹² T.N. Mukundan vs. State of Kerala & Ors, WP(C) 962/2022

¹³ Gunjan as Guardian of Pihu & Ors. vs. Govt. of NCT of Delhi & Ors, W.P.(C) 9810/2024

¹⁴ Modern School vs State Of Rajasthan, WP(C) 8567/2023

	<p>compensation for schools enrolling children from weaker sections. The court observed that while the State has the authority to regulate private institutions to achieve the constitutional objective of education for all, such regulations must align with the statutory framework. Consequently, the court directed the State to ensure that guidelines adhere to the Act and reiterated that reimbursement for pre-primary education is an essential requirement under the law.</p>
<p><u>Master Jai Kumar Through His Father .vs. Aadharshila Vidya Peeth & Ors</u>¹⁵</p>	<p>The Petitioner a child belonging to the Economically Weaker Section (EWS), was denied admission by a private unaided school in Delhi despite his valid allotment under the EWS category by the Directorate of Education (DoE). The petitioner alleged that the school repeatedly refused to allow him entry and did not complete the admission process, even though he fulfilled all the eligibility criteria and approached the school within the stipulated time. The respondent school argued that there were no vacant seats in the EWS category for the academic year 2024-25, attributing the allotment to a miscommunication with the DoE.</p> <p>The Delhi High Court, emphasizing the fundamental right to education under Article 21A of the Constitution and the statutory obligations under the Right to Education (RTE) Act, 2009, ruled in favor of the petitioner. It noted that the denial of admission contravened the provisions of the RTE Act, which mandates a 25% reservation for children from disadvantaged groups in private unaided schools. The court directed the school to admit the petitioner and complete all formalities by a specified date. Additionally, it instructed the DoE to investigate the miscommunication and implement measures to ensure the proper enforcement of the RTE Act.</p>

¹⁵ Master Jai Kumar Through His Father vs. Aadharshila Vidya Peeth & Ors, W.P.(C) 11229/2024

Section 6: Good Practices from Other States Implementing 25% Quota

State	Summary
Delhi	Clear Directive to Unaided Schools: The circular by Government of Delhi clarifies that: As per Section 12(1)(c) of RTE Act, 2009, all Private Unaided Recognized Schools (except Minority Schools) are under obligation to admit at least 25% of strength at the entry level (Pre-School/Nursery, Pre-primary/KG & Primary/Class-1) class(es) by children belonging to Economically Weaker Section, Disadvantaged group and Children with Special Needs (CWSN) in neighbourhood are provide free and compulsory education till completion of elementary education.
Assam	Clear Directive to Unaided Schools: The Office Memorandum by the Government of Assam directs unaided non-minority schools and specific categories of schools to reserve 25% of Class 1 seats for children from disadvantaged groups and weaker sections in their neighbourhood, as per the RTE Act, 2009. These schools must provide free and compulsory education to these students until they complete elementary education. Any extension of this quota requires prior approval from the appropriate government authorities. This ensures equitable access to education for marginalized communities.
Himachal Pradesh	Notices by Schools in Regional Languages and Special Officers for Compliance: The notification from the Government of Himachal Pradesh introduced amendments to the guidelines for admitting and reimbursing children from weaker sections and disadvantaged groups in private unaided schools under the Right to Education (RTE) Act Key Amendments: <ul style="list-style-type: none"> • Schools are prominently required to display notices about the availability of 25% of seats for these children. These notices must be posted in Hindi and English, both on school premises and in public areas, with a minimum of 30 days given for application submission. • Block Primary Education Officers are responsible for overseeing the implementation and reporting on compliance
Nagaland	Extending Admission to Students Domiciled Beyond 1 km Radius: The notification deals with the enforcement of the Right to Education (RTE) Act, 2009, particularly the provision that mandates private schools to reserve at least 25% of seats for children from disadvantaged groups and weaker sections at the entry level (Class I or Pre-school). Further, a provision which states <i>If the 25% quota for disadvantaged children under the RTE Act is not filled within the designated neighbourhood, the school</i>

State	Summary
	<p><i>may extend the admission area or limits up to 3 kilometres to ensure the seats are filled</i> has been included. The notification further stipulates that it is the responsibility of schools to identify children from disadvantaged and weaker sections within their neighbourhood and extended neighbourhood areas and ensure their admission.</p>
<p>Punjab</p>	<p>Centralized Admission Guidelines for EWS/DG Students in Unaided Private Schools under RTE Act: The notification outlines a structured process for admitting children from disadvantaged and economically weaker sections (EWS/DG) into unaided private (non-minority) schools in Chandigarh under the RTE Act, 2009. It mandates the centralized online admission process for allocating 25% of seats in entry-level classes to EWS/DG students, following strict neighbourhood criteria (0 – 1 km, 1+ – 3 km, and beyond 3 km).</p> <p>The schools are responsible for facilitating the application process, ensuring proper infrastructure for parents, and adhering to guidelines for document verification and admission. Notably, the rules prohibit any offline admissions and emphasize fairness, including prohibiting denial of admission based on minor document discrepancies. Additionally, the notification stresses timely admission to enable the child to start the academic year without delay.</p>

Section 7: Conclusion

The Amendment Rules introduced by the Karnataka Government, exempting private unaided schools from admitting students from socially and economically disadvantaged groups under the 25% RTE quota, violate the core objectives of the Right to Education Act, 2009, and infringe upon the fundamental right to education under Article 21-A of the Constitution. By imposing conditions beyond the Act's scope, the amendments undermine the statutory mandate of inclusivity and equity outlined in Section 12(1)(c), limiting access for children from disadvantaged groups. Further, Amendment exceeds the limits of subordinate legislation.

The Bombay High Court's ruling in *Aswini Jitendra Kamble v. State of Maharashtra & Ors.*, subsequently affirmed by the Supreme Court in *Association of Indian Schools v. State of Maharashtra*, unequivocally establishes that such amendments exceed the legislative authority and are *ultra vires* to the Act. In light of this precedent, the Karnataka High Court's decision should be overturned, and the amendment rules quashed.

This corrective action must be implemented urgently to align with the constitutional mandate for universal access to education. The urgency of the matter must be considered especially in view of the upcoming admissions cycle, and expedited to enable applicants from disadvantaged groups to access the benefits originally envisaged under Section 12 of the Right to Education Act, 2009.