

Chattisgarh High Court

Chhattisgarh Private School ... vs State Of Chhattisgarh on 17 September, 2025

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Digitally signed by ANURADHA ANURADHA TIWARI
TIWARI Date: 2025.09.17 17:30:06
+0530 HIGH COURT OF CHHATTISGARH AT BILASPUR

WPPIL No. 22 of 2016

C. V. Bhagvant Rao versus Union of India
WPC/2345/2022, WPC/3574/2025, WPC/3573/2025,
WPC/3572/2025, WPC/3570/2025, WPC/3569/2025, WPC/3567/2025,

WPC/3112/2025, WPC/3107/2025, WPC/3106/2025, WPC/3095/2025

Order Sheet

17.09.2025 Mr. Devershi Thakur, Mr. Tarendra
Kumar Jha, Ms. Aditi Singhvi, Mr. Rahul
Ambast and Mr. Aman Tamrakar,
learned counsel for the respective
petitioners. Also heard Mr. Yashwant
Singh Thakur, learned Additional
Advocate General, appearing for the
State, Mr. Tushar Dhar Diwan and Ms.
Anmol Sharma, learned Central
Government Counsel, appearing for Union
of India, Mr. Manoj Paranjpe, Senior Advocate
assisted by Mr. Vaibhav A. Goverdhan,
Mr. Shobhit 2 / 10 Koshta, Ms. Shristi
Upadhyay and Mr. Anuroop Panda, learned
counsel appearing for the respective
respondents.

Mr. Vikas Tiwari has filed his additional submissions making a prayer to intervene in the matter.

Upon due consideration of the grounds mentioned therein, we find sufficient cause to permit his intervention.

Accordingly, the prayer is allowed and Mr. Vikas Tiwari is permitted to intervene in the present proceedings.

In compliance with the order of this Court dated 13.08.2025, a personal affidavit has been filed by the Joint Secretary, Government of Chhattisgarh, Department of School Education, Mahanadi Bhawan, Nawa Raipur, District Raipur (C.G.). In the said affidavit, it has been stated that though the Secretary, Government of Chhattisgarh, Department of School Education, was directed to file his personal affidavit, due to unavoidable reasons, he could not do so, and, therefore, a prayer has been made to dispense with the said direction.

It is, however, pertinent to note that no separate application seeking exemption from filing the personal affidavit of the Secretary has been placed on record. Instead, only an averment has been made in paragraph- 2 of the affidavit of the Joint Secretary seeking leave to file the affidavit on behalf of the Secretary.

Upon query by the Court, learned State counsel submitted that as it is not the practice to file a separate application for exemption, therefore, the same was not filed in the present case.

We are not at all satisfied with the explanation offered by learned State counsel as the proceedings in the Court should not be taken lightly by any person whether it is common litigant or Official of the State.

The State is accordingly put to strict caution that in future, if any exemption is sought on behalf of any Government official from complying with the directions of this Court, a separate application for such exemption must necessarily be filed, failing which, appropriate consequences shall follow.

The relevant portion of the affidavit filed by the Joint Secretary, Government of Chhattisgarh, Department of School Education Department, reads as follows :-

"1. That, vide order dated 13.08.2025 the Hon'ble Court Government of was pleased direct the Secretary, Chhattisgarh, Department of School Education to file an affidavit explaining as to what action State proposes to take against the Nursery Schools which are running without recognition though there was a circular issued way back on 05.01.2013.

2. It is respectfully submitted that the Secretary, Government of Chhattisgarh, Department of School Education is presently out of State on official duties, therefore, Joint the deponent presently holding the post of as Secretary, Government of Chhattisgarh, Department of School Education prays for leave of the Hon'ble Court to swear the affidavit and submit it before the Hon'ble Court on behalf of the Secretary, Government of Chhattisgarh, Department of School Education.

3. It is respectfully submitted that the Department of School Education in compliance of the Circular dated 05/07.01.2013 has proceeded for collection of information of the Playschool / Pre Primary Schools operating in the State of Chhattisgarh. Some of the Schools have already submitted information required by the Department which is shown in the chart annexed herewith as ANNEXURE D/1.

It is submitted that the information required to be submitted by the Playschools / Pre-Primary Schools include number of students admitted in each Class, availability of drinking water, Playground, Washroom, Security Equipment, First Aid facilities, number of Teacher employed along with address, mobile number of person responsible for operating the School.

4. It is respectfully submitted that vide order dated have been 16.09.2025 all the District Education Officers directed to compulsorily collect information of Play Schools/ Pre-Primary Schools within a period of 15 days. A copy of letter dated 16.09.2025 is filed herewith as ANNEXURE D/2.

5. It is respectfully submitted that vide memo dated 03.09.2025 Directorate of Public Instructions has proposed for publication of clarification in the Official Gazette after cancelling the Circular dated 05/07.01.2013. The proposal has been sent to Government of Chhattisgarh, Department of School Education. A copy of proposal dated 03.09.2025 is filed as ANNEXURE D/3.

6. It is respectfully submitted that a Seven Members Committee has been constituted by the Director, Public Instructions for framing of new Rules/ Guidelines for operation of Pre-Primary Schools in accordance with the New Education Policy, 2020 and National Commission for Protection of Child Rights. Copy of letter dated 02.09.2025 As filed herewith as ANNEXURE D/4."

From perusal of the affidavit, it is apparent that the Department has initiated the process of collecting information from various Play Schools/Pre-Primary Schools in compliance with the aforesaid Circular dated 05/07.01.2013, and certain Schools have already furnished particulars relating to infrastructure, facilities, and staffing, as reflected in Annexure D/1. Moreover, by order dated 16.09.2025, all District Education Officers have been directed to compulsorily collect the requisite information within fifteen days (Annexure D/2). The affidavit also discloses that vide memo dated 03.09.2025, a proposal has been forwarded by the Directorate of Public Instructions for publication of a clarification in the Official Gazette cancelling the Circular dated 05/07.01.2013, which is under consideration of the Government (Annexure D/3). Further, a Seven Members Committee has been constituted on 02.09.2025 by the Director, Public Instructions, to frame fresh Rules/Guidelines for regulation of Pre-Primary Schools in conformity with the National Education Policy, 2020 and the recommendations of the National Commission for Protection of Child Rights (Annexure D/4).

The Court, vide order dated 13.08.2025, had directed the Secretary, Department of School Education, to explain as to what action has been taken against the Pre-Primary/Nursery Schools running without recognition, despite the Circular dated 05.01.2013 having remained in force for the last 15 years. However, the present affidavit is silent on this crucial aspect.

Accordingly, the Secretary, Department of School Education, shall file his personal affidavit, setting out in clear and categorical terms the steps already taken and the further course of action which the State proposes to adopt against such unrecognised Pre-Primary/Nursery institutions which have been permitted to function in contravention of the Circular dated 05.01.2013. The affidavit shall also disclose the mechanism proposed for ensuring compliance with the statutory requirements, the monitoring framework to prevent recurrence of such violations, and the time schedule within which the contemplated action is to be implemented.

It is also made clear that, in cases where admissions were obtained on the basis of false income certificates or by adopting other fraudulent means, the learned State counsel has submitted that upon due verification such irregularities were detected and the admissions so secured have subsequently been cancelled. While taking note of the said action, we direct that, in future, all admissions shall be made strictly in accordance with law and the prescribed eligibility criteria. The authorities concerned shall ensure that proper verification of documents, including income certificates and other requisite records, is carried out at the threshold itself so as to obviate any possibility of misuse or abuse of the admission process. It is further observed that, in the event of any such irregularity being noticed in future, strict action shall be taken not only against the beneficiaries but also against the officials found responsible for facilitating or failing to prevent such illegal admissions.

List these matters for further monitoring on 17.10.2025.

Sd/-
(Ravindra Kumar Agrawal)
Judge
Judge Anu

Sd/- -
(Ramesh Sinha)
Chief Justice

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