



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 23<sup>rd</sup> JANUARY, 2026

**IN THE MATTER OF:**

+ **REVIEW PET. 475/2025 & CM APPL. 58009/2025**

IN

**W.P.(C) 3684/2013**

JUSTICE FOR ALL

.....Petitioner

Through: Mr. Khagesh B Jha with Ms. Shikha Sharma Bagga, Mr. Ankit Mann, Ms. Jyoti Shokeen, Ms. Amisha Dhariwan, Advs.

versus

GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Sameer Vashisht, SC with Mr. Abhinav Sharma, Ms. Harshita Nathrani, Ms. K. Mittal, Advs for GNCTD.

Mr. Kamal Gupta with Ms. Tripti Gupta, Mr. Sparsh Aggarwal, Ms. Madhulika Singh, Ms. Sabrina Singh, Advs for Action Committee.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**JUDGMENT**

**CM APPL. 58009/2025**

1. This Application has been filed by the Respondent seeking condonation of delay of 838 days in filing REVIEW PET. 475/2025 seeking review of the Order dated 13.04.2023.
2. For the reasons stated in the application, the same is allowed.



3. The delay is condoned.
4. The application is disposed of.

### **REVIEW PET. 475/2025**

5. This Review Petition has been filed by the Respondent under Order 47 Rule 1 of the CPC seeking review of the Order dated 13.04.2023.

6. Since the Review Petition was filed on the basis of facts which transpired after the Order dated 13.04.2023, this Court *vide* Order dated 12.12.2025 directed that the present Petition shall be treated as an application seeking modification of the Order dated 13.04.2023 and adjourned the Review Petition to 17.12.2025. Permission was also granted to file an application to amend the prayer clause. An application being CM APPL.80291/2025 seeking amendment in prayer clause of the Review Petition was filed and this Court *vide* Order dated 17.12.2025 has allowed the said application. The amended prayer clauses read as under:

*“(a) Recall and modify the final order dated 13.04.2023 passed in W.P.(C) No. 3684 of 2013, to the limited extent that the observation/direction requiring provision of school uniforms strictly in kind be modified so as to permit the Respondent to implement the uniform subsidy through Direct Benefit Transfer (DBT) in accordance with the Cabinet decision dated 10.05.2025, corrigendum dated 06.06.2025 and policy order dated 10.06.2025, under the Right of Children to Free and Compulsory Education Act, 2009;*

*(b) Grant leave to the Respondent to place and implement the aforesaid policy decisions on record in compliance with the modified directions of this Hon’ble Court; and*

*(c) Pass such other or further orders as this Hon’ble*



*Court may deem fit in the interest of justice".*

7. The Writ Petition was filed for implementation of the provisions of Right of Children to Free and Compulsory Education Act, 2009 (*hereinafter referred to as 'the RTE Act'*) more particularly for ensuring the compliance of mandate of providing of free books, uniforms and other study materials to the students admitted under Economically Weaker Section (*hereinafter referred to as 'the EWS'*) and Disadvantaged Group Freeship Category (*hereinafter referred to as 'the DG Category'*) by the Government, in aided and unaided recognized private schools of Delhi.

8. During the pendency of the present Writ Petition various directions have been passed to ensure implementation of the RTE Act with regard to providing of free books, uniforms and other study materials to the students admitted under the EWS category and DG category. Various provisions of the RTE Act and the Delhi Right of Children to Free and Compulsory Education Rules, 2011 (*hereinafter referred to as 'the 2011 Rules'*), which are relevant for the present matter are being reproduced below for ready reference and the same are as follows. Section 2(n) of the RTE, which defines School, reads as under:

*"Section 2. Definitions*

*(n) "school" means any recognised school imparting elementary education and includes—*

*(i) a school established, owned or controlled by the appropriate Government or a local authority;*

*(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;*



*(iii) a school belonging to specified category; and*

*(iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;”*

9. Section 12 of the RTE Act, which provides for school's responsibility for free and compulsory education, reads as under:

*“Section 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.”***

*(emphasis supplied)*

10. Rule 11 of the 2011 Rules, which provides for reimbursement of per-child expenditure by the Government, reads as under:

***“11. Reimbursement of per-child expenditure by the Government. —***

***(1) The total annual recurring expenditure incurred by the Government, whether from its own funds or funds***



*provided by the Central Government or by any other authority, on elementary education in respect of all schools referred to in sub clause (i) of clause (n) of section 2 divided by the total number of children enrolled in all such schools, shall be the per child expenditure incurred by the Government.*

*Explanation: For the purpose of determining the per child expenditure, the expenditure incurred by the Government or the Local Authority on schools referred to in sub-clause (ii) of clause (n) of section 2 and the children enrolled in such schools shall not be included.*

*(2) Every school referred to in clauses (iii) and (iv) of clause (n) of section 2 shall maintain a separate bank account in respect of the amount received by it as reimbursement under sub-section (2) of section 12 of the Act.*

*(3) The schools mentioned in second proviso of sub-section (2) of section 12 shall continue to fulfil their obligation for providing free education beyond elementary education and till completion of secondary/senior secondary education, as the case may be, and shall not be entitled for reimbursement to the extent of their obligation.”*

11. The abovementioned Rule, therefore, mandates that it is the duty of the State Government to reimburse the per-child expenditure incurred by the schools with regard to the provision of books and textbooks, uniforms and other study material. Various Orders have been passed by this Court for compliance of the said mandate.

12. On 05.08.2014, this Court directed the Director of Education to file an affidavit clearly indicating the number of children falling within the EWS and DG category between the ages of 6 years to 14 years in all the schools in



Delhi. This Court directed that separate figures be provided with regard to government schools and private unaided schools as also other schools which do not fall in these categories. This Court further directed the Director of Education to clearly indicate in the affidavit the number of children, who are being provided with free books and Uniforms in that year, i.e. 2014-15.

13. On 27.08.2014, an affidavit was handed-over to the Court which indicated that the total number of EWS/DG category children studying in private schools in the session 2014-15 is 68,951 and out of the said 68,951 children only 17,497 children were getting free textbooks and only 16,467 children were getting free uniforms. On the basis of the said affidavit, this Court noted that roughly about 51,000 children are without textbooks and uniforms. In the said Order, this Court emphasized that it is the duty of the Government as well as the schools to ensure that free textbooks are made available to children belonging to the EWS/DG categories and they are also entitled to get free uniforms and writing materials.

14. During the pendency of the Writ Petition, Contempt Petitions were also filed stating that the Schools are not complying with the directions passed by this Court. On 06.02.2023, GNCTD filed an affidavit stating that a fixed amount of money is being paid to the students belonging to EWS/DG Category. It was the case of the Petitioners that the said action was contrary to the directions issued by this Court on 27.08.2014.

15. This Court *vide* Order dated 13.04.2023 disposed of the Writ Petitions noticing that the Government is willing to provide textbooks and uniforms to the students. However, this Court kept the Contempt Petition pending to see whether the Government is providing uniforms to the students or are they giving cash in lieu of uniforms. GNCTD was directed to file a fresh affidavit



explaining as to why the Government has taken the decision to give cash amounts in lieu of uniforms, textbooks and writing materials etc.

16. A Circular dated 14.03.2023 was issued by the Directorate of Education stating that in compliance of the directions of this Court, the Directorate of Education has decided to provide writing materials (notebooks and stationeries etc.) in kind to the children belonging to the EWS/DG category with effect from the academic session 2023-24. With respect to providing uniforms in Government and Government aided schools, it was stated that the Directorate of Education has constituted a Committee to conduct market study regarding the cost of the readymade uniforms and make recommendation for a revision of existing rates. It was further stated that adoption of the recommended rates will be subject to approval of the Finance Department and availability of the sufficient funds. It was further stated that after the revision of rates gets approved by the Finance Department, the funds will be provided to schools so that the Head of Schools can procure the uniforms as prescribed in the school and supply to students in kind from academic session 2024-25. With respect to aided Schools, it was stated that the Head of Schools of Aided Schools will be directed to procure text books and writing materials at their level and submit proposals for reimbursement of expenditure which will be regulated as per the Directorate of Education norms and in respect of private schools admitting EWS/DG category children, it was stated that they are already under a mandate to provide text-books, writing materials and uniforms in kind to be eligible for reimbursement under Section 12(1)(c) of the RTE Act.

17. It is stated that the Committee which was formed on 14.03.2023



submitted its report regarding the market study/revision of rates for uniforms on 16.11.2023 to the Directorate of Education and accordingly a proposal regarding the school uniform rates & disbursement of school uniform in kind was first submitted on 01.12.2023 for the approval of Finance Department, GNCT of Delhi. However, the said proposal was returned back and a final proposal dated 03.12.2024 was submitted for the approval of Finance Department for disbursement of school uniform in kind only, but on the existing rates. It is stated that the said proposal was also returned back on 11.03.2025 for want of clarifications.

18. On 30.09.2024, this Court recorded the submissions of the learned Standing Counsel, GNCTD, that the GNCTD will positively start providing uniforms to all the students in government run schools in Delhi from the next academic session at least one month in advance before the commencement of the next session. So far as the textbooks and Writing materials are concerned, it was stated that the same are being provided in kind to all eligible students strictly in terms of the provisions of the RTE Act and the Rules framed thereunder.

19. It is stated that the proposal which was sent to the Finance Department was approved by the Cabinet vide Cabinet decision dated 10.05.2025 and consequentially, a Policy Order dated 10.06.2025 was passed. It is stated that the primary reasons for framing a new Policy were as under:

*“i. No complaints have been received in the existing mechanism of DBT mode till date.*

*ii. The provision for uniform in kind is a tedious and intensive process which shall over burden the*



*department or school in the non-core activity.*

*iii. The uniform in kind platform may result in inefficiency and nontransparency in the overall functioning*

*iv. The tender process through Govt. E-Marketplace (GeM) is a time taking process and usually takes approximately six months .*

*v. Procurement of the material at the larger level for uniforms is difficult to manage. Moreover, it is a long drawn process which is subjected to further litigation in future.*

*vi. The difference color combination for each and every school is varied and therefore the management of different types/varieties/colors of school uniforms is not feasible.”*

20. It is the stand of the GNCTD that while approving the revision of uniform subsidy rates, the Cabinet has not approved procurement and distribution of uniforms in kind due to operational constraints. It is stated that though the Policy has been implemented for class IX to XII, the GNCTD is waiting for the Orders of this Court for its implementation under the RTE Act for children up to class VIII. Therefore, the Respondent has filed the present Review Petition seeking modification/review of the Order dated 13.04.2023 by permitting the Respondent to implement the Policy dated 10.06.2025.

21. In the Review Petition, it is stated that while approving the revision of uniform subsidy rates, the Cabinet was of the opinion that procurement and distribution of uniforms in kind would not be feasible due to operational



constraints and therefore, a new Policy dated 10.06.2025 has been brought out. It is stated that different schools have got different uniforms and it is impossible to get measurement of every student, placing a tender through GeM portal for procuring the material is a time taking process and if all of this is done, then getting the uniforms stitched is not feasible as the colour combination for each and every school is different and therefore the management of different types/varieties/colours of school uniforms is not possible.

22. The Court has perused the Note for Council of Ministers which brings out the recommendations of the Committee for revision of School uniforms. Relevant portions of the said Note reads as under:

#### **2.3.2 SCHOOL UNIFORM:**

Directorate of Education had constituted a committee to make market study regarding the cost of the readymade uniform and come out with recommendation for the revision of existing rates. The adoption of recommended rates would be subject to approval of the Finance Department and availability of sufficient fund. After the revision of rates get approved by Finance Department, GNCTD these funds would be provided to schools so that HoS can procure the uniforms as prescribed in the school and supply to students in kind.

**2.3.3** DoE had submitted before the court on 30.09.2024 (Annexure-V) that the GNCT of Delhi will positively provide uniform to all the students in government run schools from next academic session, at least one month in advance before the commencement of the next session.

#### **3. RECOMMENDATION OF COMMITTEE FOR REVISION OF UNIFORM RATES**

3.1 Presently, DoE, GNCT of Delhi is providing school uniform subsidy to all students from classes Nursery to XII (irrespective of gender and income) of Government & Aided School @ Rs. 1100/- (Nursery to V), Rs. 1400/- (VI to VIII) and Rs. 1500/- (IX to XII) directly through DBT.

3.2 The committee constituted for revision of school uniform rate (Annexure-VI) for Primary, Middle and Secondary & Sr. Secondary classes had finalized the rates based on the market survey for the items to be procured and submitted its report in the meeting held on dated 16.11.2023. Based on the finding, the committee had recommended that the rate of school uniform at different level will be Rs. 1850/- (Nursery to V), Rs. 2200/- (VI to VIII) and Rs. 2550/- (IX to XII) (Annexure-VII).



#### 4. STEP TAKEN BY DOE ON COMMITTEE REPORT

4.1 The DoE had submitted the proposal on 01.12.2023 for the approval of Hon'ble M/o Education, GNCT of Delhi for revision of school uniform rates recommended by the committee as referred at point no. 3.2 above and the file had been returned back on 03.01.2024 with the direction to review the proposal in terms of the financial implication.

4.2 The DoE had reviewed the proposal and the rate of items to be procured in a set of uniform kit had been worked out as Rs. 1250/- (Nursery to V), Rs. 1500/- (VI to VIII) and Rs. 1700/- (IX to XII) to reduce the financial implication on the Govt. ex-chequer. The rate worked out is based on the least wholesale price of the items quoted during the market survey. The detail of the items to be procured in the set of school uniform is as under:

Uniform kit proposed to be provided to students of Govt. school in kind and proposed rates						
S. No.	Uniform Items	Specification		Proposed Rate (In Rs.)		
		Category	Numbers	Class Nursery to V	Class VI to VIII	Class IX to XII
1	Suit with Dupatta	Girls only	2 set	1250	1500	1700
2	Tunic set (including shirt)/Skirt & shirt	Girls only	2 set			
3	Shirt Full Sleeve	Boys only	2 set			
4	Pant	Boys only	2 set			
5	Sweater	Both Boys & Girls	1 Piece			
6	Belt	Both Boys & Girls	1 Piece			
7	Socks	Both Boys & Girls	2 Pairs			
8	Black/White Shoes	Both Boys & Girls	1 Pair			
9	Tie	Boys-Class upto XII Girls-class Nursery to V	1 Piece			

#### 5 COMPARISON OF RATES

The rate of school uniform was last revised in 2017-18. Prior to this, the rate were revised in 2010-11. The comparison between the previous rates and rate to be recommended from 2025-26 are as under:

(Figures in Rs.)

S. No.	Classes	Previous Rate 2010-11	Existing Rates revised in 2017-18	% increase in rate 2017-18 over 2010-11	Rate proposed to be revised	Percentage increase in rate to be proposed
1	2	3	4	5	6	7
1	I to V	500	1100	120%	1250	14%
2	VI to VIII	700	1400	100%	1500	7%
3	IX to XII	900	1500	67%	1700	13%

6. DoE had submitted before the court on 30.09.2024 (Annexure-V) that the GNCT of Delhi will positively provide uniform to all the students in government run schools from next academic session 2025-26, at least one month in advance before the commencement of the next session.

Since, the process for seeking approval of Council of Ministers and procurement & disbursement of school uniform to the students will take time, therefore, presently it seems that the procurement & disbursement of school uniform for the academic session 2025-26 may not feasible. Therefore, the procurement & disbursement of school uniform to the students of class Nursery to VIII of Delhi Government Schools is proposed to be start providing from next academic session 2026-27 and the existing procedure for releasing the cash subsidy through DBT for academic session 2025-26 will continue on rates proposed to



be revised i.e. Rs. 1250/- (Nursery to V), Rs. 1500/- (VI to VIII) and Rs. 1700/- (IX to XII) subject to the approval of Council of Ministers.

## 7 PROPOSAL FOR CONSIDERATION

- 7.1 To provide cash subsidy in lieu of School Uniform to the students of class Nursery to XII on the rates proposed to be revised i.e. Rs. 1250/- (Nursery to V) and Rs. 1500/- (VI to VIII) and Rs. 1700/- (IX to XII) to the students of Govt. School through Direct Benefit Transfer (DBT) for academic session 2025-26.
- 7.2 To provide school uniform in kind through respective Head of School from academic session 2026-27 and onwards for the students of class Nursery to VIII of Govt. School on the rates proposed to be revised i.e. Rs. 1250/- (Nursery to V) and Rs. 1500/- (VI to VIII) with maximum ceiling for procurement and as per specification at para 4.2.
- 7.3 To provide cash subsidy in lieu of School Uniform on the rates proposed to be revised i.e. Rs. 1700/- for class IX to XII of Government School through Direct Benefit Transfer from academic session 2026-27 and onwards.
- 7.4 To provide cash subsidy in lieu of School Uniform on the rates proposed to be revised i.e. Rs. 1250/- (Nursery to V), Rs. 1500/- (VI to VIII) and Rs. 1700/- (IX to XII) to the students of Govt. Aided School under DoE through DBT from academic session 2025-26 and onwards.
- 7.5 The above proposed rates of School Uniform subsidy will be applicable for EWS & DG category students admitted under RTE Act in Pvt. Un-aided schools for giving per child reimbursement as per RTE Act norms. The same rates will also be applicable for EWS & DG category students admitted in Private Unaids Schools (on Govt. Land) under free-ship quota scheme.

## 8 FINANCIAL IMPLICATIONS

- 8.1 The financial implication for procurement of school uniform kit and disbursement the same to the student of elementary class i.e. Class Nursery to VIII of Govt. School in kind & in cash to the students of class IX to XII in case of Govt. School and Class Nursery to XII in case of Govt. Aided School through DBT under revised rates is as under:

Statement showing financial implication due to revision of rate of uniform (Rs. in crore)						
S. No.	Schemes	No. of Students (in Lakh) 2024-25 (As on 31.03.2025)	State Plan Budget 2024-25	Estimated Expenditure as per enrolment of students for A.S. 2024-25 based on proposed rate	Additional Financial implication (Col 5- Col 4)	% increase in additional financial implication
1	2	3	4	5	6	7
(i)	Govt. Schools	1666911	247.00	362.05	15.05	6.09
(ii)	Govt. Aided Schools	126569	17.00	19.32	2.32	13.64
	Total	1793480*	264.00	281.37	17.37	6.58

\* Number/enrolment of Students is subject to change year to year

- 8.2 An amount of Rs. 17.37 crore is estimated as an additional financial burden to the extent of about 6.58% during the first year of implementation of revised rates.



8.3 An amount of Rs. 290 crore has been allocated for Delhi Govt. Schools / Govt. Aided Schools for BE 2025-26. Head wise detail is as under:

S. No.	Head	Content	Amount (In Crore)
1	2202 02 800 40 00 33	Subsidy for school uniforms to the students- Subsidies	220
2	2202 02 789 94 00 33	Subsidy for school uniforms to the students (SCSP)- Subsidies	50
3	2202 02 800 38 00 31	GIA to Aided schools for subsidy for school uniforms to students -GIA General	16
4	2202 02 789 95 00 31	GIA to Aided schools for subsidy for uniforms to students (SCSP)-GIA- General	4
Total			290

9. Comments of the Planning /Finance/Law Department and the views of Education Department

S. No	Comments of Department of Law , Justice and Legal Affairs (Annexure -IX)	Views of Directorate of Education
1	The administrative Department has now stated in para 5 of the draft note that the process for procurement/approvals will take time, therefore, the existing procedure for releasing the cash subsidy through DBT for academic year 2025-26 will continue on the rates proposed. It is however, not clear as to whether Hon'ble High Court has been apprised about this issue or not.	The present status of the case has been intimated to the Govt. Counsel for appraisal before Hon'ble High Court on 29.04.2025 (Annexure-XII) but could not be appraised as the Court remarks "it is already 05:15 pm. The matter could not be taken up due to paucity of time. List on 23.09.2025."
2	A Copy of order dated 06.03.2025 of Hon'ble High Court has been downloaded from the website of Hon'ble High Court to comprehend the matter in the light of further directions. Hon'ble High Court has, inter-alia, in the said order that: Even though the orders passed by this Court directing the Government of NCT of Delhi (GNCTD) to provide uniforms as against fixed amount towards the cost of uniform to the students admitted under the EWS Category have not been complied with till date, learned counsel for GNCTD submits that a proposal in this regard is under active consideration. He, therefore, prays for and is granted further 04	<p>1. EWS category students are not identifiable in Govt. Schools as no income certificate is taken from the students during admission.</p> <p>All the students studying in Govt. Schools are being provided free education including free textbooks, writing materials in kind and cash subsidy in lieu of school uniform till now.</p> <p>2. The proposal for revision of rate of school uniform from current academic session for all student upto class XII and procurement &amp; distribution of school uniform to the students upto class VIII and cash in lieu of school uniform for the classes IX to XII from 2026-27 and onwards has been prepared for the consideration of Council of Minister.</p>



	<p>weeks time to file a status report setting out the decision taken on the aforesaid proposal.</p> <p>2. While adjourning the matter at the request of learned counsel for GNCTD, we reiterate the directions passed by this Court ought to be implemented by the GNCTD in its true letter and spirit.</p> <p>The matter is now listed on 29.04.2025</p> <p>In light of above directions of Hon'ble High Court, it is advisable that Hon'ble High Court first be apprised about the developments and difficulty/concerns facing by the DoE for providing uniforms in lieu of cash in the current academic year i.e. 2025-26 and thereafter further action may be taken in accordance with the directions of Hon'ble High Court, with view to avoid any contemptuous action.</p>	<p>As stated above in point no. 1. The present status of the case has been intimated to the Govt. Counsel for appraisal before Hon'ble High Court on 29.04.2025 but could not be apprised as the Court remarks "It is already 05:15 pm. The matter could not be taken up due to paucity of time. List on 23.09.2025."</p> <p>Further the matter has been discussed with the Govt Counsel Abhinav Sharma about the direction regarding prior approval of cabinet for disbursement of uniform in kind. He informed that in that case, the CM Petition need to be filed for the appraisal of Hon'ble High Court regarding the decision about procurement and disbursement of school uniform for the Academic Session 2026-27 instead of 2025-26 and it will take appr. one month.</p>
3	After consideration of above aspect, since the matter may be considered in the light of comments of Finance Department and Planning Department in view of financial implications involved. The administrative Department must ensure the compliance of the provisions of Government of National Capital Territory of Delhi Act 1991, the Transaction of Business of the Government of National Capital Territory of Delhi Rules, 1993 and the directives issued by the o/o Hon'ble Governor vide D.O. No. SLG/Conf/2022/78 dated 04.08.2022.	Noted

S. No	Comments of Finance Department (Annexure -X)	Views of Directorate of Education
1	As per Item No.9 of Schedule to Rule 7 & 8 of Transaction of Business Rules, proposals involving any important change in policy or practice are required to be placed before the Council of Ministers.	Noted
2	With regard to proposal as mentioned at Para 10.1 of the draft cabinet note, FD may have no objection to place the proposal before the Council of Ministers.	Agreed



3	The Administrative Department may ensure that the proposal is as per the directions of Hon'ble High Court and affidavit filed by Dte. of Education in the Hon'ble High Court in this regard.	As stated in point 1 & 2 w.r.t. Law Department. Giving in kind as per Hon'ble High Court order.
4	The Administrative Department may ensure that procurement of Uniform Kit should be as per the relevant provisions of GFR, 2017, Manual for Procurement of Goods, DPPR, FD's OM dated 07.08.2019 and other statutory provisions, etc.	Noted
5	Department may ensure compliance of the directions of worthy Chief Secretary issued vide GAD's letter No. F.53/549/GAD/CN/ 2022/2016 dated 12.11.2024 on the subject "Adherence to the provisions of the GNCTD Act, 1991 and the Transaction of Business of the GNCTD Rules, 1993 related to the proposals for the Council of Ministers".	Noted
6	Relevant head of account as per DDG 2025-26 alongwith availability of sufficient funds in the relevant head of account to meet out the proposed expenditure may be mentioned in the draft cabinet note.	Noted and added at para 8.3

S.No	Comments of Planning Department (Annexure -XI)	Views of Directorate of Education
1	With regard to proposal as mentioned at Para 10.1 of the draft cabinet note, Planning Department may have no objection to place the proposal before the Council of Ministers.	Agreed
2	It has been mentioned in Para 6 of Draft cabinet note that the process for seeking approval of Council of Ministers and procurement & disbursement of school uniform to the students will take time, therefore, presently it seems that the procurement & disbursement of school uniform for the academic session 2025-26 may not feasible. In this regard the department has not mentioned that whether the same has been appraised to the Hon'ble High Court or not. Hence, the Administrative Department may ensure that the proposal is as per the directions of Hon'ble High Court and affidavit filed by Dte. of Education in the Hon'ble High Court in this regard.	The present status of the case has been intimated to the Govt. Counsel for appraisal before Hon'ble High Court on 29.04.2025 (Annexure-XII) but could not be appraised as the Court remarks " <i>it is already 05:15 pm. The matter could not be taken up due to paucity of time. List on 23.09.2025.</i> " Giving in kind as per Hon'ble High Court order.
3	DoE may ensure the Draft Cabinet Note is in accordance with the guidelines outlined in the Cabinet Secretariat's "Handbook on writing Cabinet Notes". Strict adherence of the aforementioned guidelines has also been emphasized in the order dt: 12/11/2024 of	Noted



Chief Secretary		
4	Under the Schemes of "Subsidy for School Uniform to the Govt. Schools and Aided schools" a budget provision of Rs. 290 Crore has been kept in CFY 2025-26.	Noted and added at para 8.3

**10 PROPOSAL FOR APPROVAL OF COUNCIL OF MINISTERS**

10.1 Council of Ministers, GNCTD may approve para 7.1, 7.2, 7.3, 7.4 and 7.5 of the Cabinet Note.

23. The said Note has been approved by the Cabinet on 13.05.2025 and the Policy dated 10.06.2025 has been brought out.

24. It is stated by the learned Counsel for the GNCTD that it was found that supplying uniforms in kind has got its own problems. He contends that it is the duty of the State to provide uniforms, but to get the measurements of each student of all the schools, which have different colour combination of uniforms, and then placing tender for the cloth on the GeM portal and after procurement of the cloth, getting the uniforms stitched so that they can be supplied to students in time, is a long and tedious process and that is the reason the Government has come up with the said Policy of increasing the reimbursement amount so that the Government is able to undertake and fulfil its responsibility and complete the mandate of the 2011 Rules. He states that there is a significant increase in the rates of the school uniforms and students are being paid between Rs.1250 to 1700 for uniform.

25. Per contra, learned Counsel appearing for the Petitioner states that it is the mandate to provide for uniforms in kind and that the Policy dated 10.06.2025, brought out by the GNCTD, is contrary to the directions passed by this Court.

26. Heard the learned Counsels for the parties and perused the material



on record.

27. We find that the difficulties faced by the Government regarding measurement of uniforms, procurement of material, and processing of individual orders and distribution of uniforms are genuine. Undoubtedly, it would be impossible to carry-out the exercise of taking measurements of every student, placing orders for different kinds of uniform cloth on the GeM portal, after procurement of the material getting the uniforms stitched as per the measurements and finally distributing the uniforms in schools before the commencement of a new session. In the opinion of this Court, the decision taken by the Government to provide for money to the students directly so that they can buy the uniforms would ensure that the uniforms are available to the students in time. The decision taken by the Government cannot be said to be contrary to the mandate of the RTE Act and the 2011 Rules. Under the 2011 Rules, there is a mandate to provide uniforms but the Rules do not state that the Government has to provide uniforms in kind only. Therefore, the insistence of the Petitioners that actual physical uniforms be provided cannot be accepted.

28. In a catena of judgments passed by the Apex Court, the scope of interference by the courts in matters of policy is well established. Judicial review is the cornerstone of constitutionalism and is a part of our basic structure. Despite this understanding, the Supreme Court has time and again reiterated how, by way of judicial review, policy decisions of the State should not be interfered with unless they are grossly arbitrary or irrational as there is a need to maintain separation of powers.

29. In Fertilizer Corporation Kamgar Union (Regd.), Sindri & Ors. v. Union of India & Ors., (1981) 1 SCC 568, the Apex Court has observed as



under:-

*"35. A pragmatic approach to social justice compels us to interpret constitutional provisions, including those like Articles 32 and 226, with a view to see that effective policing of the corridors of power is carried out by the court until other ombudsman arrangements — a problem with which Parliament has been wrestling for too long — emerges. I have dwelt at a little length on this policy aspect and the court process because the learned Attorney-General challenged the petitioner's locus standi either *qua* worker or *qua* citizen to question in court the wrongdoings of the public sector although he maintained that what had been done by the Corporation was both *bona fide* and correct. We certainly agree that judicial interference with the administration cannot be meticulous in our Montesquien system of separation of powers. The court cannot usurp or abdicate, and the parameters of judicial review must be clearly defined and never exceeded. If the Directorate of a government company has acted fairly, even if it has faltered in its wisdom, the court cannot, as a super-auditor, take the Board of Directors to task. This function is limited to testing whether the administrative action has been fair and free from the taint of unreasonableness and has substantially complied with the norms of procedure set for it by rules of public administration."* (emphasis supplied)

30. In Directorate of Film Festivals & Ors. v. Gaurav Ashwin Jain & Ors., (2007) 4 SCC 737, the Apex Court had observed as follows:-

*"16. The scope of judicial review of governmental policy is now well defined. Courts do not and cannot act as Appellate Authorities examining the correctness, suitability and appropriateness of a policy, nor are courts advisors to the executive on matters of policy which the executive is entitled to*



*formulate. The scope of judicial review when examining a policy of the Government is to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary. Courts cannot interfere with policy either on the ground that it is erroneous or on the ground that a better, fairer or wiser alternative is available. Legality of the policy, and not the wisdom or soundness of the policy, is the subject of judicial review (vide Asif Hameed v. State of J&K [1989 Supp (2) SCC 364] , Sitaram Sugar Co. Ltd. v. Union of India [(1990) 3 SCC 223] , Khoday Distilleries Ltd. v. State of Karnataka [(1996) 10 SCC 304] , BALCO Employees' Union v. Union of India [(2002) 2 SCC 333] , State of Orissa v. Gopinath Dash [(2005) 13 SCC 495 : 2006 SCC (L&S) 1225] and Akhil Bharat Goseva Sangh (3) v. State of A.P. [(2006) 4 SCC 162] )."* (emphasis supplied)

31. The aforementioned observation had also been made in Indian Railway Catering and Tourism Corporation Ltd. v. Indian Railway Major and Minor Caterers Association and Ors., (2011) 12 SCC 792. The Apex Court held that policy decisions of the Government should not be interfered with unless the policy is contrary to provisions of statutory rules or of the Constitution. In the said case, no illegality or unconstitutionality had been shown and the Apex Court held as under:-

*"2. By the impugned order, the High Court has interfered with the Catering Policy of 2005 in respect of reservations. By now it is a well-settled principle of law that policy decisions of the Government should not be interfered with in a routine manner unless the policy is contrary to the provisions of statutory rules or of the Constitution. Nothing has been brought to our notice that the Policy is contrary to the*



*provisions of the statutory rules or the Constitution. For this simple reason, we set aside the order of the High Court impugned herein."* (emphasis supplied)

32. In Jacob Puliyel v. Union of India and Ors., **2022 SCC OnLine SC 533**, though the Supreme Court was broadly examining policy decisions pertaining to health, it had observed that in exercise of their judicial review, Courts should not ordinarily interfere with the policy decisions of the Executive unless the policy can be faulted on grounds of *mala fide*, unreasonableness, arbitrariness or unfairness, etc. The relevant portion of the judgment stating the same is as under:-

*"21. We shall now proceed to analyse the precedents of this Court on the ambit of judicial review of public policies relating to health. It is well settled that the Courts, in exercise of their power of judicial review, do not ordinarily interfere with the policy decisions of the executive unless the policy can be faulted on grounds of *mala fide*, unreasonableness, arbitrariness or unfairness etc. Indeed, arbitrariness, irrationality, perversity and *mala fide* will render the policy unconstitutional. It is neither within the domain of the courts nor the scope of judicial review to embark upon an enquiry as to whether a particular public policy is wise or whether better public policy can be evolved. Nor are the courts inclined to strike down a policy at the behest of a petitioner merely because it has been urged that a different policy would have been fairer or wiser or more scientific or more logical. Courts do not and cannot act as appellate authorities examining the correctness, suitability and appropriateness of a policy, nor are courts advisors to the executive on matters of policy which the executive is entitled to formulate. The scope of judicial review when examining a policy of the Government is to check whether it violates the fundamental rights of the*



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*citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary."*

33. Applying the said principles to the facts in hand, this Court does not find any infirmity in the decision making process. The policy decision arrived at by the Respondent does not show that there was any intent of *malafide* or that the Policy is contrary to provisions of statutory rules or of the Constitution.

34. In view of the above, this Court does not find fault with the Policy dated 10.06.2025. Resultantly, the Order dated 13.04.2023 to the extent that it is applicable to uniforms is modified and the GNCTD is directed to ensure that adequate amount is provided in accordance with the Policy decision taken by the Government well within time and at the earliest.

35. With these observations, the Review Petition is disposed of.

**DEVENDRA KUMAR UPADHYAYA, CJ**

**SUBRAMONIUM PRASAD, J**

**JANUARY 23, 2026**

*Rahul*