



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition (PIL) No. 20406/2018
CNR: RJHC020830902018 | URN: CW / 34014U / 2018

Vimal Sharma S/o Shri Satya Narayan Sharma, Aged About 33
Years, Resident Of Plot No. 899-A, Devi Nagar, New Sanganer Road,
Jaipur (Raj.) (Mobile No. 9928086790)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Chief Secretary,
Government Secretariat, Jaipur.
2. The Principal Secretary, Education Department, Government
Secretariat, Jaipur.
3. The Director, Secondary Education, Rajasthan, Bikaner.
4. The Director, Elementary Education, Rajasthan, Bikaner.
5. The Board Of Secondary Education, Through Its Secretary,
Ajmer.

-----Respondents

Connected With

D.B. Civil Contempt Petition No. 1010/2024
CNR: RJHC020876922024 | URN: CCP / 1089U / 2024

Vimal Sharma S/o Shri Satya Narayan Sharma, Aged About 33
Years, Resident Of Plot No. 899-A, Devi Nagar, New Sanganer Road,
Jaipur (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Chief Secretary,
Government Secretariat, Jaipur
2. Shri Sudhansh Pant, Chief Secretary, Government Of
Rajasthan, Government Secretariat, Jaipur
3. Shri Krishna Kunal, Principal Secretary, Education
Department, Government Secretariat, Jaipur
4. Shri Ashish Modi, Director, Secondary Education, Rajasthan,
Bikaner
5. Shri Sita Ram Jat, Director, Elementary Education,
Rajasthan, Bikaner
6. Shri Kailash Chandra Sharma, Secretary, Board Of
Secondary Education, Ajmer

-----Respondents

For Petitioner(s) : Mr. Tanveer Ahamad
For Respondent(s) : Mr. Rajendra Prasad, Advocate General
assisted by Ms. Harshita Thakral

**HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE SANDEEP TANEJA**

**03/09/2026****D.B. Civil Writ Petition (PIL) No. 20406/2018**

1. The present public interest litigation has been filed on behalf of the petitioner with the following prayers:-

"(i) The respondents may kindly be directed to implement the Right of Child to Free and Compulsory Education Act, 2009 and accordingly be directed to impart Kala Shiksha in the schools like Physical Education ad other subjects.

(ii) That the respondents may be restrained from providing grading of the subject Kala Shiksha without imparting proper education and the marks sheet may not be allowed to be issued without imparting Kala Shiksha.

(iii) The respondent No.5 may also be restrained from issuing the marks-sheet of Secondary School Examination without education of Kala Shiksha being imparted to the students.

(iv) The State Government may also be directed to provide appropriate number of Teachers to the schools for imparting Kala Shiksha in the schools for imparting Kala Shiksha in the schools, which is compulsory subject as per Act of 2009 in the interest of justice.

(v) Any other appropriate writ, order or direction as deemed fir by the Hon'ble Court may also be passed in the matter in the interest of justice."

2. The present petitioner has filed this writ petition seeking directions with regard to the appointment of Art Teachers for imparting Kala Shiksha in the schools of the State of Rajasthan, in compliance with the provisions of the Right of Child to Free and Compulsory Education Act, 2009 (for short, 'the Act of 2009').

3. Pursuant to the order dated 03.12.2024 passed by this Court, the State has filed an application to clarify the position. In the said application, the State has stated in para Nos.8 & 9 as under:-

"8. That thus form the bare perusal of the syllabus, it can be concluded that the students up to Class-V are imparted education by teachers who have completed BSTC course. Similarly, teachers imparting education from Class-VI to Class-VIII have obtained B.Ed.





Degree. In regular B.Ed. in which particular subjects are opted Art Education taught as compulsory subjects and appropriate for teaching Kala Shiksha, which is a composition of different forms of arts taught for basic information to students. However, subjects like Art Education are only part of co-curricular subjects for which students only receive grades and the grades obtained are not even counted in the final marksheet. Therefore, there is no requirement for appointing teachers who have specialization in Art Education.

A copy of relevant extracts of syllabi for Preparatory Stage, Middle Stage and Secondary Stage ad B.Ed. are filed herewith and marked as Annexure-A/4 Colly.

9. *That at this juncture, it is also pertinent to note that Art Education, is an umbrella subject, and students are taught about different kinds of Arts as part of the curriculum. Art Education including the following kinds of arts:-*

1. Wall Painting
2. Calligraphy
3. Folk Arts of Rajasthan (Rangoli, Mandana, Alpana, Henna, Gangaur)
4. Freehand Drawing practice of groups of Natural and Man-made Shapes.
5. Pencil with Shadow and Light
6. Figurative Combination of Shapes popular in folk arts
7. Music
8. Types of Musical Instruments
9. General Knowledge of Drama
10. One Act play
11. Pantomime
12. Folk Theatre
13. Street Play
14. Paper Messy
15. Mask Making

Thus even if teachers having specialization in drawing and music are appointed as Art Teachers, the same would be futile as they are not trained to teach other kind of arts subjects."

4. Learned Advocate General submits that, having regard to the provisions of the Act of 2009, the respondents have directed that art education be imparted to the students of Classes I to X by teachers who have studied Arts as a subject in their B.Ed. Course.

5. Having considered the contents of para Nos.8 & 9 of the application and the submissions made by the learned Advocate



General, we are satisfied that the State Government has complied with the provisions of the Act of 2009.

6. In view of the aforesaid, the instant civil writ petition stands disposed of.

7. Pending applications, if any, also stand disposed of.

D.B. Civil Contempt Petition No. 1010/2024

1. In view of the order passed by this Court in D.B. Civil Writ Petition (PIL) No. 20406/2018, the present contempt petition also stands disposed of accordingly.

2. Pending applications, if any, also stand disposed of.

(SANDEEP TANEJA),J

(INDERJEET SINGH),J

40-41/SAHIL SONI