

IN THE HIGH COURT OF DELHI AT NEW DELHI

WRIT PETITION (C) NO OF 2019

(PIL UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

Ashwini Kumar Upadhyay

...Petitioner

Verses

Union of India & Another

...Respondents

URGENT APPLICATION

To,

The Registrar,

High Court of Delhi at New Delhi,

Sir,

Kindly treat the accompanying application as an urgent one in accordance with the High Court Rules and Orders.

Petitioner is filing this writ petition under Article 226 of the Constitution. Matter is urgent in public interest as prayed.

PETITIONER-IN-PERSON

(Ashwini Kumar Upadhyay)

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NOTICE OF MOTION

To,

The Standing Council

Union of India / Election Commission of India

High Court of Delhi, New Delhi,

Sir,

Please find enclosed herewith copies of above mentioned Writ Petition, which is being filed today before this Hon'ble Court and likely to be listed before the Hon'ble Court on 23.08.2019 or any other date fixed by registry.

It's for your kind information and necessary action.

PETITIONER-IN-PERSON
(Ashwini Kumar Upadhyay)

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MEMO OF PARTIES

...Petitioner

Verses

1. Union of India

Through the Secretary,
Ministry of Human Resources Development
Shastri Bhawan, New Delhi-110001

2. Union of India

Through the Secretary
Ministry of Finance,
North Block, New Delhi-110001

.....Respondents

PETITIONER-IN-PERSON
(Ashwini Kumar Upadhyay)

IN THE HIGH COURT OF DELHI AT NEW DELHI

WRIT PETITION (CIVIL) No. of 2019

[Under Article 226 of the Constitution of India]

IN THE MATTER OF:

Ashwini Kumar Upadhyay

...Petitioner

Versus

Union of India & Another

...Respondents

SYNOPSIS

Children are not only the future citizens but also the future of India. Education connotes the whole course of scholastic instruction, which a person has received. It connotes process of training and developing the knowledge, skill, mind and character of students by formal schooling. Therefore, right to education under Article 21A should be read in consonance with Articles 14, 15, 16 and Preamble of the Constitution. Medium of instruction may be different but there must be no discrimination in quality of education. Right of a child aged 6-14 years should not be restricted only to free education, but must be extended to have equal quality education without discrimination on the ground of a child's social economic and cultural background thus a common syllabus and curriculum is required for all students of I-VIII standard. It would achieve the code of a common culture, removal of disparity and depletion of discriminatory values in human relations. It would enhance virtues and improve quality of human life, elevate thoughts, which advance the constitutional philosophy of equal society. The great golden goals as set out in Preamble of the Constitution cannot be achieved without providing uniform education to all the students of I-VIII standard. It will also help in diminishing opportunities to those who foment fanatic fissiparous tendencies.

The Constitution of India is framed with great care and deliberations. Preamble reflects high purpose and noble objectives of the Constitution makers. Eminent jurist Sh. Palkhivala explained essence of the Constitution as thus: *“Our Constitution is primarily shaped and moulded for the common man. It takes no account of the portly presence of the potentates, goodly in girth. It is the Constitution not meant for the ruler, but the ranker, the tramp of the road, the slave with the sack on his shoulders, pricked on with the goad, the man with too weighty a burden, too weary a load”*.

We have resolved to constitute India into a Socialist Secular Democratic Republic. Justice, Liberty, Equality and Fraternity are cornerstones of our democracy. Justice is the genus, of which “Socio-Economic” Justice is one of its species. Socio-Economic Justice is essential for orderly growth and development of poor, weak, dalits, tribals and deprived sections of the society. To achieve real equality and elevate poor, weak, dalits, tribals and deprived sections of society; State must provide uniform education having common syllabus and common curriculum to all students of I-VIII standards in spirit of Articles 14, 15, 16, 21A and Preamble of the Constitution. Article 38(2) says that State shall strive to minimize the inequalities in income and endeavour to eliminate in status, facilities and opportunities. Social economic justice assured by Articles 39, 46 and Preamble would get practical content and equality of status assured to citizens would become meaningful and real if the State would provide uniform education (common syllabus and curriculum) to all children aged 6-14 years throughout the country. Uniform Education is not only necessary for social economic equality but also essential to promote fraternity assuring dignity of individual and unity and national integration.

Many countries have already implemented uniform education. In India too, not only the syllabus and curriculum, even school dress is common in all Central and Navodaya Schools. Tamilanadu has already implemented it. The great golden goals as set out in Preamble will remain elusive until uniformity in the education (common syllabus, common curriculum) is made available to all children aged 6-14 years. It is necessary to state that though Preamble of the Constitution was framed with great care and deliberations and reflects the high purpose and noble objective of the Constitution makers. But, it was amended in 1976 to insert the words “Sovereign Socialist Secular Democratic Republic” and “Unity and Integrity of the Nation” for more clarity.

Tehsil is an administrative division denoting a sub-district. It is also referred as Taluka, sub-division, Circle and Vattam, headed by *Tehsildar*, *Talukdar*, *SDM*, *Circle Officer* respectively. Tehsils consist of multiple villages and towns. The Panchayat samitis are usually the administrative governing bodies of the Tehsils. For planning purpose, district is divided into four levels (i) Tehsil (ii) Blocks (iii) Gram Panchayats (iv) Villages. A Tehsil may consist of one or more blocks, which are normally Planning and Development units of district. A block would represent a compact area for which effective plans will be prepared and implemented through Village Panchayats.

Presently, there are 5464 Tehsils in India. The developmental schemes, planned by Central and State governments are executed and monitored by government officers but it is a bitter reality that due to poor infrastructure, particularly, non-availability of good quality schools at Tehsil headquarters, they choose not to reside in Tehsil instead in district headquarter or State Capital, which drastically hampers the development and also law and order.

The Central Schools are instituted under the aegis of the Ministry of Human Resource Development (MHRD). Presently, there is a total of 1209 schools. All the schools are affiliated to the Central Board of Secondary Education (CBSE). Initially, its objective was to educate children of Defence personnel but with the army starting its own Army Public Schools, the service was extended to not only central and state government employees but also to common man. A uniform curriculum is followed by these schools all over India. By providing a Common Syllabus and common curriculum, the Central Schools are intended to ensure that the children of government employees do not face education disadvantages when their parents are transferred from one location to another. The schools have been operational for more than 50 years. The chairman of Kendriya Vidyalaya Sangathan is always the Minister of Human Resource Development of the Government of India. CBSE syllabus is followed in all KVs and course material is of good quality. Teachers are well qualified and inspections are carried out regularly to check standards of the school. Unity in diversity is what KV teaches. Many festivals are celebrated in KVs. Since KVs have produced many notable personalities, it is respected and recognized all over India. Another perk of studying in KV is students visit different KVs sometimes located in different states for Sports, Scout and Guide meets, Camps and Cultural competitions. Contrary to private schools, KVs have only 1-2 sections in one standard. As many KVians are at very reputed positions - Doctors, IAS, IPS, IFS, Professors, Engineers, Judges, the KVs have a good reputation. Students from different parts study together so it is a big opportunity for learning different customs and rituals etc. Along with academic, KV conducts extracurricular activities- sports, drawing, craft etc.

Unity in diversity is observed and celebrated. KVs have students from all parts of the State which is quite a great experience and equal opportunities are provided to all students in spite of their religious, territorial differences. Students of south used to celebrate festivals of North and vice-versa. Faculties are regularly trained to enhance their teaching skills and invoke new teaching techniques for effective learning of students. If a student is good at academics, he can prevail in that field and excel. Otherwise he can come out through the CCA (Co circular activities). This is fun part where students can participate and enjoy in various activities from extempore to dance. Lot of Inter school competitions and fest like science exhibition, science conference, sports meet and exhibitions are conducted. Students visit different KVs, mingle with others and develop contacts thereby developing social skills. Sports are given equal importance as that of academics which is a rare thing nowadays. Students are provided with good financial support by government for Inter-school competitions. Students have dedicated periods for library and WET (work experience training) and can do some creative stuff there.

Tehsil is administrative unit and comprises of many government departments such as Health Education Police Electricity Transport PWD etc. The respective officers viz. SDM, RTO, ABSA, Tehsildar, Engineers of various departments, Doctors, Lecturers, Professors etc. work there but due to non-availability of good quality schools, they keep their families away. This distance not only weakens them emotionally but also takes a toll on their health due to travel. It reduces efficiency, making public functions lag and sometimes even hamper. The establishment of a Central School in every Tehsil will help the employees reduce their burden as they will be able to keep their families with them.

The low fee structure of Kendriya Vidyalayas will help the poor students in getting a quality education along with an exposure to the competitive world. The establishment of KVs will also encourage the nearby schools to provide a better education as they will face a competition. The teachers in the KVs are appointed by a national level examination, which results in the formation of a cosmopolitan culture. This sets out an example in front of the students thus making their minds more liberal. As the KVs have a common curriculum, it act as a binder for all those students studying in them all over the nation. Thus KVs promote fraternity, unity and national integration.

The best thing Government can do for the society and country, is not to fetter it with laws but to straighten the lives with honesty and modesty. Now, citizens realize that the highest function of the Government is not to legislate but to educate, to make not laws but schools. The greatest Statesmen, like the subtlest teacher, guide and suggest through information, rather than invite pugnacity with prohibitions and commands; the motto should be *“Millions for Education, not one cent for Compulsion”*. The youth chooses the rulers more wisely and asks not for lawmakers but for creative teachers; submits not to regimentation but to knowledge; achieves peace & order not through violence & compulsion, but through advance spread and organization of intelligence.

Let us confess to ourselves that basic education system unfortunately is lopsided; it gives knowledge but no character; it gives power but no wisdom; it gives cleverness but no conscience. This has to change and sooner the better. The quality of civilization depends on the quality of education. One subject, which ought to be compulsory for our children and most vital part of the school curriculum, is ‘Aims, Objects & Basic Structure of the Constitution’.

The key words of Preamble proclaimed by the Constitution, fundamental rights and duties and directive principles, are not understood to citizens except by a few who do not matter. Selfish people are using words 'socialist' and 'secular' for personal gain. Unholy propaganda, which makes mockery of electoral process and democracy, is going on. That's why Government should provide a standard textbook having chapters on fundamental rights, directive principles, fundamental duties and the golden goals as set out in the Preamble of the Constitution. Study of the book should be compulsory and students should be tested about it by clever questions in examination papers. The Preamble proudly announces that India is a Socialist Secular Democratic Republic but Democracy would indeed be hollow if it fails to generate a spirit of brotherhood among all sections, a feeling that they are children of same soil and same motherland. It becomes even more essential in a country like ours, composed of so many races religions languages and culture and with so many disruptive forces of Casteism, Communalism, Regionalism, Linguism. It is necessary to emphasize and re-emphasize that '*Unity and Integrity of India*' can be preserved only by a spirit of brotherhood. The pity is that the key words of Preamble are not defined yet so Government should define them.

05.06.2017: Petitioner submitted a Representation to HRD Minister for establishing One Central School in every Tehsil/Taluka.

20.9.2019: Article 21A must be read with Articles 14,15,16 &Preamble. One Central School in every Tehsil will not only provide common syllabus and common curriculum thus equal opportunities to poor children but also promote fraternity, unity and national integration. Hence this PIL.

IN THE HIGH COURT OF DELHI AT NEW DELHI

WRIT PETITION (CIVIL) No. _____ of 2019

[Under Article 226 of the Constitution of India]

IN THE MATTER OF:

Ashwini Kumar Upadhyay

...Petitioner

Versus

Union of India & Another

...Respondents

PIL SEEKING ONE CENTRAL SCHOOL IN EVERY TEHSIL/TALUKA/CIRCLE/VATTAM

To,

THE HON'BLE CHIEF JUSTICE

AND LORDSHIP'S COMPANION JUSTICES

OF THE HON'BLE HIGH COURT OF DELHI

HUMBLE PETITION OF ABOVE-NAMED PETITIONER

THE MOST RESPECTFULLY SHOWETH AS UNDER:

1. The petition is not guided by self-gain or for gain of any other individual person, institution or body. There is no motive other than the larger public interest in filing this petition. Petitioner has no personal interest or individual gain, private motive or oblique reasons in filing this PIL. It is bona-fide with sole purpose of larger public interest and interest of justice.
2. The source of averments made in this petition is personal knowledge and information collected from various sources, including newspapers and websites. Petitioner is filing this PIL under Article 226 seeking a direction to establish One Central School in every Tehsil throughout the territory of India.
3. Present petition is for benefit of poor, disabled, economically weaker section and socially-economically down trodden people. As they are incapable of accessing this Hon'ble Court themselves, petitioner is filing this PIL to secure fundamental rights guaranteed under Article 21A of the Constitution.

4. The Central Government is likely to be affected by the orders sought in this petition, which has been impleaded as Respondent. Petitioner submits that to its knowledge, no other persons, bodies, institutions are likely to be affected by the order sought in this petition.

5. Petitioner's full name is

Petitioner is an Advocate, practice in this Hon'ble Court and a social-political activist, contributing his best to the development of socially-economically downtrodden people. Petitioner can bear the cost if any imposed by the Court.

6. Petitioner has not filed any other petition either in this Court or in other Court seeking same or similar directions.

7. Petitioner submitted a representation to Respondent-1 (Annexure-1) but not received any response yet. So, there is no requirement to move the authority again. There is no other remedy available except approaching the Court.

8. Right to education guaranteed under Article 21A must be read in consonance with Articles 14, 15, 16 and Preamble of the Constitution. There must be no discrimination in quality of education. The right of a child aged 6-14 years should not be restricted only to free and compulsory education, but must be extended to have equal quality education without any discrimination on the ground of his social economic and cultural background. Therefore, it is duty of the Central Government to not only implement uniform education system (common syllabus and common curriculum) for all students of I-VIII standard throughout the territory of India but also establish a Central School in every Tehsil to promote fraternity, Unity and National integration.

9. Uniform education (common syllabus & common curriculum) would achieve the code of common culture, remove disparity and deplete discriminatory values in human relations. It would enhance virtues and improve quality of human life, elevate thoughts, which advance the Constitutional philosophy of equal society. The great golden goals as set out in Preamble of the Constitution cannot be achieved without providing uniform education to all children particularly the students of I-VIII standard. Children are not only the future citizens but also the future of India. Education connotes the whole course of scholastic instruction, which a person has received. It connotes the process of training and developing the knowledge, skill, mind and character of students by formal schooling. In addition, Uniform Education will help in diminishing opportunities to those who foment fanatic and fissiparous tendencies. The world shall be a better or worse place to live according to how we treat the children today. Education is an investment need by the nation for harvesting a future crop of responsible adults, productive of a well-functioning society. Children are vulnerable and they need to be valued, nurtured, caressed and protected. Democracy depends for its very life on high standards of education, particularly the primary education. Dissemination of learning with search for new knowledge with discipline all round must be maintained at all costs. Right to education implies the idea of equal quality education. The Apex Court has reiterated that Article 21A is the most important fundamental right and other fundamental rights are meaningless without effectuating it efficiently throughout the territory of India. Right to Education stands above other fundamental rights, as one's ability to enforce one's fundamental right flow from one's education.

- 10.** Fundamental stress should be on primary education so that a proper foundation for higher education can be effectively laid. Right to Education is anchored in the belief that the values of equality, social-economic justice and democracy can be achieved through provision of inclusive elementary education to all. It means acquiring knowledge and wisdom to lead better life, become better citizen and serve the nation in a better way.
- 11.** Constitution is framed with great care and deliberations. Preamble reflects the high purposes and noble objectives of the Constitution makers. Eminent jurist Sh. Nani Palkhivala explained the essence of the Constitution as thus: *“Our Constitution is primarily shaped and moulded for the common man. It takes no account of the portly presence of the potentates, goodly in girth. It is the Constitution not meant for the ruler, but the ranker, the tramp of the road, the slave with the sack on his shoulders, pricked on with the goad, the man with too weighty a burden, too weary a load”.*
- 12.** We have resolved to constitute India into a Socialist Secular Democratic Republic. Justice, Liberty, Equality and Fraternity are cornerstones of our democracy. Justice is the genus, of which “Socio-Economic” Justice is one of its species. Socio-Economic Justice is essential for orderly growth and development of the citizens, particularly EWS and BPL category. To provide equal opportunity, promote fraternity unity and national integration, elevate poor, weak, dalits, tribals and other deprived sections of society and achieve real equality; Central Government should not only implement a uniform education system (common syllabus and common curriculum) for all students of I-VIII standards in spirit of Articles 14, 15, 16, 21A and Preamble of the Constitution but also establish a Central School in every Tehsil.

13. Article 38(2) says that State shall strive to minimize inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities. Social economic justice assured by Article 39, 46 and Preamble would get practical content and equality of status assured to citizens would become meaningful and real if Government will implement uniform education system (common syllabus and common curriculum) for all children aged 6-14 years and establish a Central School in each Tehsil throughout territory of India. Uniform Education is not only necessary for social economic equality but also essential to promote fraternity assuring dignity of individual and unity and national integration. Many countries have already implemented it. In India, not only the syllabus and curriculum, even the school dress is common in all Central Schools and Navodaya Schools. Tamilanadu has already implemented it. The great golden goals as set out in Preamble of the Constitution will remain elusive until uniformity in the education i.e. common syllabus and common curriculum is made available to all the children aged 6-14 years.

14. It is necessary to state that Preamble of the Constitution was framed with great care and deliberations and reflects the high purpose and noble objective of the Constitution makers. It was amended in 1976 to substitute the words “Sovereign Socialist Secular Democratic Republic” for the words “Sovereign Democratic Republic” and to substitute the words “Unity and Integrity of the Nation” for the words “Unity of the nation”. However, in reality, we are far away from the great golden goals, as set out in Preamble of the Constitution. Our country is suffering from many diseases like Corruption, Criminalization, Casteism, Communalism, Conversion, Regionalism, Linguism, Terrorism, Separatism and Radicalism.

15. Many philosophers, academicians and educationists have said that if social-economic justice and equality of status and opportunity to be secured and fraternity assuring dignity of individual and unity and national integration to be promoted among Indians; State must implement value-based uniform education (common syllabus and common curriculum) for all the children (students of I-VIII standards) throughout the country without discrimination on the basis of child's social economic cultural and religious background.
16. Democratic socialism aims to end diseases like poverty, ignorance and inequality of opportunity. This socialistic concept ought to be implemented in letter and spirit of the Constitution. Social Justice enables the Constitutional Court to uphold the legislations- (i) to remove economic inequalities (ii) to provide a decent standard of living to the working people (iii) to protect the interests of weaker section of society. The Constitution stands for a Secular State and the most important components of the secularism are: (i) Equality as incorporated in Article 14 (ii) Prohibition against discrimination on the ground of religion, race, caste, sex, place of birth or any of them as incorporated in Article 15 and 16 (iii) Freedom of speech and expression and all other important freedoms of citizens, conferred under Article 19 and 21 (iv) Fundamental duty of State to enact Directive Principles in letter & spirit. The Article 21A was inserted by the 86th Amendment of the Constitution. Even before the said amendment, the Apex Court in a catena of decisions has treated the right to education as the most important fundamental right. *Mohini Jain v. State of Karnataka* [(1992) 3 SCC 666], *JP Unni Krishnan v. State of Andhra Pradesh* [(1993) 1 SCC 645], *TMA Pai Foundation v. State of Karnataka* [(2002) 8 SCC 481].

- 17.** A resolution was adopted at the special session of both Houses of Parliament on the Golden Jubilee Celebration (26.8.1997 to 1.9.1997), which states thus: *“that education at all levels be made employment-relevant, special attention being given to quality; that achievement of the Constitutional mandate of universalisation of elementary education be closely monitored and that universal primary education be achieved by 2005”*.
- 18.** In *Unni Krishnan, J.P. v. State of Andhra Pradesh* [(1993) 1 SCC 645], the Supreme Court had held: *“Right to Education implicit in and flows from the Right to Life guaranteed by Article 21. Right to Education has been treated as one of the transcendental importance in the life of an individual and has been recognised not only in this country since thousands of years, but all over the world. Without education being provided to citizens of this country, the objectives set forth in Preamble to the Constitution of India cannot be achieved and the Constitution would fail.”* This observation encouraged the parliament to insert Article 21A into the Constitution and thus right to education became the fundamental right of all children aged 6-14 years.
- 19.** In *Society for un-aided Primary School v. Union of India*, [AIR 2012 SC 3445], Apex Court held: *“The Right of Children to Free and Compulsory Education Act-2009 is constitutionally valid and shall apply to the following. (i) a school established owned or controlled by the appropriate government or local authority (ii) an aided school including aided minority 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 special category and (iv) an un-aided non-minority school, not receiving any kind of aid or grants to meet its expenses from the appropriate government or the local authority”*.

20. In *Ashok Kumar Thakur v. Union of India* [(2008) 6 SCC 1, Page 649], speaking for the Bench, Justice Bhandari opined that *“though there has been of more allocation of funds, anything less would flout Article 21A’s mandate”*-. It is further observed at Page 654 that *“Article 21A read with Article 51A(k) distributes an obligation amongst the State and Parents. The State is concern with free education and parents with compulsory education. Now withstanding parental duty, the State also has a role to play in assuring that compulsory education is feasible”*.
21. In *Brown v. Board of Education* [98 L Ed 873: 347 US 483 (1953)]; *Plessy v. Ferguson* [41 L Ed 256: 163 US 537 (1895)], the Court observed: *“Uniform Education System would achieve the code of a common culture, removal of disparity and depletion of discriminatory values in human relations. It would enhance virtues and improve the quality of human life, elevate the thoughts, which advance the Constitutional philosophy of equal society. In future, it may prove to be a basic preparation for Uniform Civil Code as it may help in diminishing opportunities to those who foment fanatic fissiparous tendencies”*.
22. In *State of Tamil Nadu v. Shyam Sunder* [(2011) 8 SCC 737], Court observed: *“Education connotes the whole course of scholastic instruction, which a person has received. It connotes the process of training and developing the knowledge, skill, mind and character of student by formal schooling”*.
23. In *Rohit Singal v. Jawahar Navoday Vidyalay* [(2003) 1 SCC 687, Para 6], the Apex Court expressed its concern regarding education for children as thus: *“Children are not only the future citizens but also the future of earth. Elders in general, and parents and teachers in particular, owe a responsibility for taking care of the well being and welfare of children. The world shall be a better or*

worse place to live according to how we treat children today. Education is an investment need by the nation in its children for harvesting a future crop of responsible adults, productive of well-function society. However, children are vulnerable. They need to be valued, nurtured, caressed and protected”.

24. In *Osmania University Teachers Association v. State of AP* [(1987) 4 SCC 671 : AIR 1987 SC 2034], the Apex Court had held: “*Democracy depends for its very life on the high standards of general, vocational and professional education. Dissemination of learning with search for new knowledge with discipline all round must be maintained at all costs*”.

25. In *State of Orissa v. Mamata Mohanty* [(2013) 3 SCC 436: (2011) 2 SCC 83], the Apex Court has reiterated that “*Education connotes the whole course of scholastic instruction which a person has received. Education connotes the process of training and developing the knowledge, skill, mind and character of students by formal schooling*”.

26. The parliament passed the Right to Education Act 2009 in spirit of Article 21A of the Constitution, UNESCO Resolution and the oath taken during Parliament’s golden jubilee celebration in 1997. The object is to achieve the great golden goals as set out in Preamble of the Constitution. It provides right to free and compulsory education to all children aged 6-14 years.

27. Spirit of the Article 21A is that if free compulsory and equitable education is provided to the children aged 6-14 years; then it will ultimately bring equal opportunity and promote among the citizens fraternity assuring dignity of individual, unity and national integration. Needless to say that substantial equality can be achieved by providing uniform education having common syllabus and common curriculum to all children aged 6-14 years.

- 28.** Equality as contemplated in Preamble can be achieved by establishing a Central School in every Tehsil and providing value-based uniform education to all children aged 6-14 years. Uniform in the sense that syllabus and curriculum in all schools in the country is similar however, medium of teaching may be different, preferably in mother language.
- 29.** Dignity of the individual will remain elusive until uniform education is made available to all. Needless to say that dignity of individual can never be achieved by the schools of different standard and varying syllabus of teaching. Therefore, syllabus and curriculum should be common for all the students of I-VIII standard and at least one Central School should be established in all Tehsils throughout the territory of India.
- 30.** It is a bitter truth that social-economic background discriminates the children and if the standard of schools are highly varying and syllabus and curriculum of teaching is also totally different, then social-economic equality and justice, as envisaged by the founding fathers can't be achieved.
- 31.** Right to education is fundamental right of children aged 6-14 years so it must be on same level/standard, not based on their social and economic conditions. The children have right to avail free compulsory and uniform education irrespective of their social economic religious cultural background. Children may not be able to exercise their fundamental right under Article 21A unless the State provides free compulsory and uniform education with common syllabus and curriculum. Example of Central Schools established throughout the country may be cited here. In all Central Schools, not only the syllabus and curriculum is common, even the school dress is also common, thus promotes fraternity, unity and national integration among the children.

32. In order to eliminate prevailing discriminations, Article 21A must be read with Article 14, 15 and 16 as Right to Equal Education. Such interpretation would proscribe all forms of discriminations based on religion, race, caste, sex and place of birth or any of them. Former Lok Sabha Speaker Mrs. Sumitra Mahajan, demanded the Uniform Education for all children of the age of 6-14 years. She said in the Parliament: *“We need Uniform Education System to remove disparities”*. Others who also demanded Uniform Education for the children were former Lok Sabha Speaker Mrs. Meira Kumar and Meenakshi Natarajan (INC), Shailendra Kumar (SP), Gorakh Nath Pandey (BSP), Saugata Roy (TMC), Jagdish Sharma (JDU), Saidul Haque (CPI), Tathagatha Satpathy (BJD). Former Dy. Prime Minister Sh. LK Advani (BJP) had also demanded the Uniform Education for all the children. To achieve the substantive social-economic equality, it is necessary that syllabus and curriculum in all schools are similar whether it is run by local body or State or Central Government or private management, though medium of instructions may differ according to the mother language of concerned States.

GROUNDS

A. Children are not only the future citizens but also the future of India. Education connotes the whole course of scholastic instruction, which a person has received. It connotes process of training and developing the knowledge, skill, mind and character of students by formal schooling. Therefore, right to education under Article 21A should be read in consonance with Articles 14, 15, 16 and Preamble of the Constitution. Medium of instruction may be different but there must be no discrimination in quality of education. Right of a child

aged 6-14 years should not be restricted only to free education, but must be extended to have equal quality education without discrimination on the ground of a child's social economic and cultural background, thus a common syllabus and curriculum is required for all students of I-VIII standard. It would achieve the code of a common culture, removal of disparity and depletion of discriminatory values in human relations. It would enhance virtues and improve quality of human life, elevate thoughts, which advance the constitutional philosophy of equal society. The great golden goals as set out in Preamble of the Constitution cannot be achieved without providing uniform education to all the students of I-VIII standard. It will also help in diminishing opportunities to those who foment fanatic fissiparous tendencies.

- B.** The Constitution is framed with great care and deliberations. Preamble reflects high purpose and noble objectives of the Constitution makers. Eminent jurist Sh. Palkhivala explained essence of the Constitution as thus: *“Our Constitution is primarily shaped and moulded for the common man. It takes no account of the portly presence of the potentates, goodly in girth. It is the Constitution not meant for the ruler, but the ranker, the tramp of the road, the slave with the sack on his shoulders, pricked on with the goad, the man with too weighty a burden, too weary a load”*.
- C.** We have resolved to constitute India into a Socialist Secular Democratic Republic. Justice, Liberty, Equality and Fraternity are cornerstones of our democracy. Justice is the genus, of which “Socio-Economic” Justice is one of the species. Socio-Economic Justice is essential for orderly growth and development of poor, weak, dalits, tribals and deprived sections of the society. To achieve real equality and elevate poor, weak, dalits, tribals and deprived

sections of society; State must provide uniform education having common syllabus and common curriculum to all students of I-VIII standards in spirit of Articles 14, 15, 16, 21A and Preamble of the Constitution. Article 38(2) says that State shall strive to minimize the inequalities in income and endeavour to eliminate in status, facilities and opportunities. Social economic justice assured by Articles 39, 46 and Preamble would get practical content and equality of status assured to citizens would become meaningful and real if the State would provide uniform education (common syllabus and curriculum) to all children aged 6-14 years throughout the country. Uniform Education is not only necessary for social economic equality but also essential to promote fraternity assuring dignity of individual and unity and national integration.

D. Many countries have already implemented uniform education. In India too, not only the syllabus and curriculum, even school dress is common in all Central and Navodaya Schools. Tamilanadu has already implemented it. The great golden goals as set out in Preamble will remain elusive until uniformity in the education (common syllabus, common curriculum) is made available to all children aged 6-14 years. It is necessary to state that though Preamble of the Constitution was framed with great care and deliberations and reflects the high purpose and noble objective of the Constitution makers. But, it was amended in 1976 to insert the words “Sovereign Socialist Secular Democratic Republic” and “Unity and Integrity of the Nation” for more clarity.

E. Tehsil is an administrative division and consists of multiple villages and towns. The Panchayat samitis are usually the administrative governing bodies of the Tehsils. For planning purpose, district is divided into four levels (i) Tehsil (ii) Blocks (iii) Gram Panchayats (iv) Villages. A Tehsil may consist of one or more

blocks, which are normally Planning and Development units of district. A block would represent a compact area for which effective plans will be prepared and implemented through Village Panchayats.

- F.** Presently, there are 5464 Tehsils in India. The developmental schemes, planned by Central and State governments are executed and monitored by government officers but it is a bitter reality that due to poor infrastructure, particularly, non-availability of good quality schools at Tehsil headquarters, they choose not to reside in Tehsil instead in district headquarter or State Capital, which drastically hampers the development and also law and order.
- G.** The Central Schools are instituted under the aegis of the Ministry of Human Resource Development (MHRD). Presently, there is a total of 1209 schools. All the schools are affiliated to the Central Board of Secondary Education (CBSE). Initially, its objective was to educate children of Defence personnel but with the army starting its own Army Public Schools, the service was extended to not only central and state government employees but also to common man. A uniform curriculum is followed by these schools all over India. By providing a Common Syllabus and common curriculum, the Central Schools are intended to ensure that the children of government employees do not face education disadvantages when their parents are transferred from one location to another. The schools have been operational for more than 50 years. The chairman of Kendriya Vidyalaya Sangathan is always the Minister of Human Resource Development of the Government of India. CBSE syllabus is followed in all KVs and course material is of good quality. Teachers are well qualified and inspections are carried out regularly to check standards of the school. Unity in diversity is what KV teaches. Many festivals are celebrated in KVs. Since KVs

have produced many notable personalities, it is respected and recognized all over India. Another perk of studying in KV is students visit different KVs sometimes located in different states for Sports, Scout and Guide meets, Camps and Cultural competitions. Contrary to private schools, KVs have only 1-2 sections in one standard. As many KVians are at very reputed positions - Doctors, IAS, IPS, IFS, Professors, Engineers, Judges, the KVs have a good reputation. Students from different parts study together so it is a big opportunity for learning different customs and rituals etc. Along with academic, KV conducts extracurricular activities- sports, drawing, craft etc.

H. Unity in diversity is observed and celebrated. KVs have students from all parts of the State which is quite a great experience and equal opportunities are provided to all students in spite of their religious, territorial differences. Students of south celebrate festivals of North and vice-versa. Faculties are regularly trained to enhance their teaching skills and invoke new teaching techniques for effective learning of students. If a student is good at academics, he can prevail in that field and excel. Otherwise he can come out through the CCA (Co circular activities). This is fun part where students can participate and enjoy in various activities from extempore to dance. Lot of Inter school competitions and fest like science exhibition, science conference, sports meet and exhibitions are conducted. Students visit different KVs, mingle with others and develop contacts thereby developing social skills. Sports are given equal importance as that to academics which is a rare thing nowadays. Students are provided with good financial support by government for Inter-school competitions. Students have dedicated periods for library and WET (work experience training) and can do some creative stuff there.

- I. Tehsil is administrative unit and comprises of many government departments such as Health Education Police Electricity Transport PWD etc. The respective officers viz. SDM, RTO, ABSA, Tehsildar, Engineers of various departments, Doctors, Lecturers, Professors etc. work there but due to non-availability of good quality schools, they keep their families away. This distance not only weakens them emotionally but also takes a toll on their health due to travel. It reduces efficiency, making public functions lag and sometimes even hamper. The establishment of a Central School in every Tehsil will help the employees reduce their burden as they will be able to keep their families with them.
- J. The low fee structure of Kendriya Vidyalayas will help the poor students in getting a quality education along with an exposure to the competitive world. The establishment of KVs will also encourage the nearby schools to provide a better education as they will face a competition. The teachers in the KVs are appointed by a national level examination, which results in the formation of a cosmopolitan culture. This sets out an example in front of the students thus making their minds more liberal. As the KVs have a common curriculum, it act as a binder for all those students studying in them all over the nation. Thus KVs promote fraternity, unity and national integration.
- K. The best thing Government can do for the society and country, is not to fetter it with laws but to straighten the lives with honesty and modesty. Now, citizens realize that the highest function of the Government is not to legislate but to educate, to make not laws but schools. The greatest Statesmen, like the subtlest teacher, guide and suggest through information, rather than invite pugnacity with prohibitions and commands; the motto should be *“Millions for Education, not one cent for Compulsion”*. The youth chooses the rulers more wisely and

asks not for lawmakers but for creative teachers; submits not to regimentation but to knowledge; achieves peace & order not through violence & compulsion, but through advance spread and organization of intelligence.

- L.** Let us confess to ourselves that basic education system unfortunately is lopsided; it gives knowledge but no character; it gives power but no wisdom; it gives cleverness but no conscience. This has to change and sooner the better. The quality of civilization depends on the quality of education. One subject, which ought to be compulsory for our children and most vital part of the school curriculum, is 'Aims, Objects & Basic Structure of the Constitution'.
- M.** The key words of Preamble proclaimed by the Constitution, fundamental rights and duties and directive principles, are not understood to citizens except by a few who do not matter. Selfish people are using words 'socialist' and 'secular' for personal gain. Unholy propaganda, which makes mockery of the electoral process and democracy, is going on. That's why Government should provide a standard textbook having chapters on fundamental rights, directive principles, fundamental duties and the golden goals as set out in the Preamble of the Constitution. Study of the book should be compulsory and students should be tested about it by clever questions in examination papers. The Preamble proudly announces that India is a Socialist Secular Democratic Republic but Democracy would indeed be hollow if it fails to generate a spirit of brotherhood among all sections of the people, a feeling that they are children of same soil and same motherland. It becomes even more essential in a country like ours, composed of so many races religions languages and culture and with so many disruptive forces of Casteism, Communalism, Regionalism and Linguism. It is necessary to emphasize and re-emphasize that '*Unity and the Integrity of India*'

can be preserved only by a providing equal opportunities to all that's why Government should not only implement uniform education system (common syllabus and common curriculum) but also establish a Central School (Kendriya Vidyalaya) in every Tehsil / Taluka / Sub- Division / Circle / Vattam or State Legislative Assembly.

PRAYER

Keeping in view the above stated facts and circumstances and to achieve the great golden goals as set out in Preamble of the Constitution of India, it is the most respectfully prayed that this Hon'ble Court may be pleased to issue a writ, order or direction or a writ in nature of mandamus to:

- a)** direct the Ministry of Human Resources Development, Government of India, to ascertain the feasibility of establishing at least One Central School (Kendriya Vidyalaya) in every Tehsil, Taluka, Sub-division, Circle and Vattam or each State Legislative Assembly throughout the territory of India;
- b)** direct the Ministry of Human Resources Development to provide a standard textbook having chapters on Socialism, Secularism, Unity and Integrity of the Nation, Fundamental Rights, Directive Principles of State Policy, Fundamental Duties and Basic Structure of the Constitution and make its study compulsory for all students of I-VIII standard throughout the territory of India;
- c)** take such other steps as this Hon'ble Court may deem fit to secure right to education in spirit of Article 21A read with the Article 14, 15, 16 and Preamble of the Constitution and allow the cost of petition to petitioner.

Drawn on: 19.09.2019

(Ashwini Kumar Upadhyay)

Filed on: 20.09.2019

Petitioner in person

IN THE HIGH COURT OF DELHI AT NEW DELHI
 WRIT PETITION (C) NO OF 2019
 (PIL UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

Ashwini Kumar Upadhyay	Verses	...Petitioner
Union of India & Another		...Respondents

AFFIDAVIT

I,

do hereby solemnly affirm & declare as under:

1. I am sole petitioner above named and well acquainted with facts and circumstances of the case and as such competent to swear this affidavit.
2. I have filed the present writ petition as PIL. There is no personal gain, private motive or oblique reasons in filing this petition. It is totally bona-fide and purely in larger public interest and in the interest of justice.
3. I have gone through the Delhi High Court (Public Interest Litigation) Rules, 2010 and do hereby affirm that the PIL is in conformity thereof.
4. I have no personal interest in the litigation and neither myself nor any body in whom I am interested, would in any manner benefit from the relief sought in the present litigation save as a member of the General Public. The petition is not guided by self-gain or gain of any person, institution, body and there is no motive other than of Public Interest.
5. I have done whatsoever enquiry/investigation, which was in my power to do, to collect all data/material which was available and relevant for this Court to entertain the present petition. I further confirm that I have not concealed in the present petition any data/material/information which may have enabled this Court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.
6. I have read and understood the contents of accompanying synopsis and list of dates pages (4-10) and writ petition pages (11-28) and total pages (1-38) which are true and correct to my personal knowledge and belief.
7. Annexures filed along with this petition are true copies of their respective originals.
8. The averments made in this affidavit are true and correct to my personal knowledge and belief. No part of Affidavit is false nor has anything material been concealed there from.

DEPONENT
(Ashwini Kumar Upadhyay)

VERIFICATION

I, the Deponent do hereby verify that the contents of above affidavit are true and correct to my personal knowledge and belief. No part of it is false nor has anything material been concealed therefrom. I solemnly affirm today i.e. 20th day of September 2019 at New Delhi.

DEPONENT
(Ashwini Kumar Upadhyay)

To,

05.06.2017

Hon'ble HRD Minister

Government of India, New Delhi-110001

Hon'ble Finance Minister

Government of India, New Delhi-110001

SUB: To establish one Central School in every Tehsil, Taluka, Sub-division

Sir,

1. Children are not only the future citizens but also the future of India. Education connotes the whole course of scholastic instruction, which a person has received. It connotes process of training and developing the knowledge, skill, mind and character of students by formal schooling. Therefore, right to education under Article 21A should be read in consonance with Articles 14, 15, 16 and Preamble of the Constitution. Medium of instruction may be different but there must be no discrimination in quality of education. Right of a child aged 6-14 years should not be restricted only to free education, but must be extended to have equal quality education without discrimination on the ground of a child's social economic and cultural background thus a common syllabus and curriculum is required for all students of I-VIII standard. It would achieve the code of a common culture, removal of disparity and depletion of discriminatory values in human relations. It would enhance virtues and improve quality of human life, elevate thoughts, which advance the constitutional philosophy of equal society. The great golden goals as set out in Preamble of the Constitution cannot be achieved without providing uniform education to all the students of I-VIII standard. It will also help in diminishing opportunities to those who foment fanatic fissiparous tendencies.

2. The Constitution of India is framed with great care and deliberations. Preamble reflects high purpose and noble objectives of the Constitution makers. Eminent jurist Sh. Palkhivala explained essence of the Constitution as thus: *“Our Constitution is primarily shaped and moulded for the common man. It takes no account of the portly presence of the potentates, goodly in girth. It is the Constitution not meant for the ruler, but the ranker, the tramp of the road, the slave with the sack on his shoulders, pricked on with the goad, the man with too weighty a burden, too weary a load”*.
3. We have resolved to constitute India into a Socialist Secular Democratic Republic. Justice, Liberty, Equality and Fraternity are cornerstones of our democracy. Justice is the genus, of which “Socio-Economic” Justice is one of its species. Socio-Economic Justice is essential for orderly growth and development of poor, weak, dalits, tribals and deprived sections of the society. To achieve real equality and elevate poor, weak, dalits, tribals and deprived sections of society; State must provide uniform education having common syllabus and common curriculum to all students of I-VIII standards in spirit of Articles 14, 15, 16, 21A and Preamble of the Constitution. Article 38(2) says that State shall strive to minimize the inequalities in income and endeavour to eliminate in status, facilities and opportunities. Social economic justice assured by Articles 39, 46 and Preamble would get practical content and equality of status assured to citizens would become meaningful and real if the State would provide uniform education (common syllabus and curriculum) to all children aged 6-14 years throughout the country. Uniform Education is not only necessary for social economic equality but also essential to promote fraternity assuring dignity of individual and unity and national integration.

4. Many countries have already implemented uniform education. In India too, not only the syllabus and curriculum, even school dress is common in all Central and Navodaya Schools. Tamilanadu has already implemented it. The great golden goals as set out in Preamble will remain elusive until uniformity in the education (common syllabus, common curriculum) is made available to all children aged 6-14 years. It is necessary to state that though Preamble of the Constitution was framed with great care and deliberations and reflects the high purpose and noble objective of the Constitution makers. But, it was amended in 1976 to insert the words “Sovereign Socialist Secular Democratic Republic” and “Unity and Integrity of the Nation” for more clarity.
5. Tehsil is an administrative division denoting a sub-district. It is also referred as Taluka, sub-divisions, Mandals, Circles headed by a *Tehsildar* or *Talukdar*. Tehsils consist of multiple villages and towns. The Panchayat samitis are usually the administrative governing bodies of the Tehsils. For planning purpose, district is divided into four levels (i) Tehsil (ii) Blocks (iii) Gram Panchayats (iv) Villages. A Tehsil may consist of one or more blocks, which are normally Planning and Development units of district. A block would represent a compact area for which effective plans will be prepared and implemented through Village Panchayats.
6. Presently, there are 5464 Tehsils in India. The developmental schemes, planned by Central and State governments are executed and monitored by government officers but it is a bitter reality that due to poor infrastructure, particularly, non-availability of good quality schools at Tehsil headquarters, they choose not to reside in Tehsil instead in district headquarter or State Capital, which drastically hampers the development and also law and order.

7. The Central Schools are instituted under the aegis of the Ministry of Human Resource Development (MHRD). Presently, there is a total of 1209 schools. All the schools are affiliated to the Central Board of Secondary Education (CBSE). Initially, its objective was to educate children of Defence personnel but with the army starting its own Army Public Schools, the service was extended to not only central and state government employees but also to common man. A uniform curriculum is followed by these schools all over India. By providing a Common Syllabus and common curriculum, the Central Schools are intended to ensure that the children of government employees do not face education disadvantages when their parents are transferred from one location to another. The schools have been operational for more than 50 years. The chairman of Kendriya Vidyalaya Sangathan is always the Minister of Human Resource Development of the Government of India. CBSE syllabus is followed in all KVs and course material is of good quality. Teachers are well qualified and inspections are carried out regularly to check standards of the school. Unity in diversity is what KV teaches. Many festivals are celebrated in KVs. Since KVs have produced many notable personalities, it is respected and recognized all over India. Another perk of studying in KV is students visit different KVs sometimes located in different states for Sports, Scout and Guide meets, Camps and Cultural competitions. Contrary to private schools, KVs have only 1-2 sections in one standard. As many KVians are at very reputed positions - Doctors, IAS, IPS, IFS, Professors, Engineers, Judges, the KVs have a good reputation. Students from different parts study together so it is a big opportunity for learning different customs and rituals etc. Along with academic, KV conducts extracurricular activities- sports, drawing, craft etc.

8. Unity in diversity is observed and celebrated. KVs have students from all parts of the State which is quite a great experience and equal opportunities are provided to all students in spite of their religious, territorial differences. Students of south used to celebrate festivals of North and vice-versa. Faculties are regularly trained to enhance their teaching skills and invoke new teaching techniques for effective learning of students. If a student is good at academics, he can prevail in that field and excel. Otherwise he can come out through the CCA (Co circular activities). This is fun part where students can participate and enjoy in various activities from extempore to dance. Lot of Inter school competitions and fest like science exhibition, science conference, sports meet and exhibitions are conducted. Students visit different KVs, mingle with others and develop contacts thereby developing social skills. Sports are given equal importance as that of academics which is a rare thing nowadays. Students are provided with good financial support by government for Inter-school competitions. Students have dedicated periods for library and WET (work experience training) and can do some creative stuff there.
9. Tehsil is administrative unit and comprises of many government departments such as Health Education Police Electricity Transport PWD etc. The respective officers viz. SDM, RTO, ABSA, Tehsildar, Engineers of various departments, Doctors, Lecturers, Professors etc. work there but due to non-availability of good quality schools, they keep their families away. This distance not only weakens them emotionally but also takes a toll on their health due to travel. It reduces efficiency, making public functions lag and sometimes even hamper. The establishment of a Central School in every Tehsil will help the employees reduce their burden as they will be able to keep their families with them.

10. The low fee structure of Kendriya Vidyalayas will help the poor students in getting a quality education along with an exposure to the competitive world. The establishment of KVs will also encourage the nearby schools to provide a better education as they will face a competition. The teachers in the KVs are appointed by a national level examination, which results in the formation of a cosmopolitan culture. This sets out an example in front of the students thus making their minds more liberal. As the KVs have a common curriculum, it act as a binder for all those students studying in them all over the nation. Thus KVs promote fraternity, unity and national integration.
11. The best thing Government can do for the society and country, is not to fetter it with laws but to straighten the lives with honesty and modesty. Now, citizens realize that the highest function of the Government is not to legislate but to educate, to make not laws but schools. The greatest Statesmen, like the subtlest teacher, guide and suggest through information, rather than invite pugnacity with prohibitions and commands; the motto should be *“Millions for Education, not one cent for Compulsion”*. The youth chooses the rulers more wisely and asks not for lawmakers but for creative teachers; submits not to regimentation but to knowledge; achieves peace & order not through violence & compulsion, but through advance spread and organization of intelligence.
12. Let us confess to ourselves that basic education system unfortunately is lopsided; it gives knowledge but no character; it gives power but no wisdom; it gives cleverness but no conscience. This has to change and sooner the better. The quality of civilization depends on the quality of education. One subject, which ought to be compulsory for our children and most vital part of the school curriculum, is ‘Aims, Objects & Basic Structure of the Constitution’.

13. The key words of Preamble proclaimed by the Constitution, fundamental rights, directive principles of State Policy and fundamental duties, are not understood to citizens except by a few who do not matter. Selfish people are using words 'socialist' and 'secular' for personal gain. Unholy propaganda, which makes mockery of the electoral process and democracy, is going on. That's why Government should provide a standard textbook having chapters on fundamental rights, directive principles, fundamental duties and the golden goals as set out in the Preamble of the Constitution. Study of the book should be compulsory and students should be tested about it by clever questions in examination papers. The Preamble proudly announces that India is a Socialist Secular Democratic Republic but Democracy would indeed be hollow if it fails to generate a spirit of brotherhood among all sections of the people, a feeling that they are children of same soil and same motherland. It becomes even more essential in a country like ours, composed of so many races religions languages and culture and with so many disruptive forces of Casteism, Communalism, Regionalism and Linguism. It is necessary to emphasize and re-emphasize that 'Unity and the Integrity of India' can be preserved only by a spirit of brotherhood. The pity is that the key words of the Preamble are not defined till date so Government should define them without delay and provide textbook on 'Socialism, Secularism Nationalism'.

14. Right to education is fundamental right of children aged 6-14 years so it must be on same level/standard, not based on their social and economic conditions. The children have right to avail free compulsory and uniform education irrespective of their social economic religious cultural background. Children may not be able to exercise their fundamental right under Article 21A unless

the State provides free compulsory and uniform education. Example of Central Schools established throughout the country may be cited here. In all KVs, not only the syllabus and curriculum is common, even school dress is also common, thus promotes fraternity, unity and national integration.

Sir,

Keeping in view the above facts and the reasons stated above, please take appropriate steps to establish at least One Central School (Kendriya Vidyalay) in every Tehsil, Taluka, Sub-division, Circle and Vattam or each State Legislative Assembly throughout the territory of India. Please also provide a standard textbook having chapters on Socialism, Secularism, Unity and Integrity of Nation, Fundamental Rights, Fundamental Duties, Directive Principles of State Policy and Aims and Objects of the Constitution and make its study compulsory for students of I-VIII standard throughout the country.

Thanks and Warm Regards.

Ashwini Kumar Upadhyay