

SYNOPSIS

The Petitioner is filing the instant Special Leave Petition against the Final Judgment & Order dated 01.10.2019, passed by the High Court of Delhi in Writ Petition (Civil) No. 10699 of 2019.

It is respectfully submitted that while passing the impugned order, the High Court has failed to appreciate that Children are not only the future citizens but also the future of India and education connotes the whole course of scholastic instruction, which a child has received. It connotes process of training and developing the knowledge, skill, mind and character of children 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.

The Court failed to appreciate that after detailed debate and feedback, Article 21A was inserted in the Constitution. Thus, medium of instruction may be different but there must be no discrimination in the quality of education. Right of child aged 6-14 years should not be restricted only to free education, but must be extended to equal quality education without discrimination on the ground of child's social economic and cultural background thus a common syllabus and common curriculum is required for students of I-VIII standard.

A Central School in every Tehsil 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 life quality, elevate thoughts, which advance the constitutional philosophy of equal society. The great golden goals as set out in the Preamble cannot be achieved without providing common education to all 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 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) strives to minimize inequalities in income status facilities and opportunities. Social economic justice assured by Articles 39-46 and Preamble would get practical content and equality of status would become meaningful and real if Union will establish one Central School (Kendriya Vidyalaya) in every Tehsil throughout the territory of India. It is not only necessary to secure socio economic equality but also essential to promote fraternity assuring dignity of individual and unity and national integration.

Many countries had implemented uniform education system. In India, not only syllabus and curriculum, but also school dress is common in all Central Schools. The great golden goals as set out in Preamble will remain elusive until uniformity in education is made available to 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.

Presently, there are 5464 Tehsils in India. The developmental schemes, planned by Union and State 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 at Tehsil instead instead reside 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 Resources Development. Presently, there are total of 1209 central schools and affiliated to the CBSE. Initially, its objective was to educate children of Defence personnel but with the Army starting its own Army Public School, the service was extended to central and state government employees and common man. A uniform curriculum is followed in KVs all over India. By providing a common syllabus and common curriculum, KVs are intended to ensure that children do not face education disadvantages when their parents are transferred from one location to another.

KV Teachers are well qualified and inspections are carried out regularly to check standards of the school. Many festivals are celebrated thus children learn Unity in diversity. 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, it has 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. A lot of Inter school competitions and fest like science exhibition, conference and sports meet are conducted. Students visit different KVs, mingle with others and develop contacts thereby social skills. Sports are given equal importance as that of academics which is a rare thing nowadays. Students are provided with good financial support Inter school competitions. Students have dedicated periods for library and work experience training (WET) and can do many creative stuff there.

Tehsil is administrative unit and comprises of many government departments - Health Education Police Electricity Transport PWD etc. and respective officers viz. SDM, RTO, ABSA, Tehsildar, Engineers, 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.

KV's low fee structure will help poor students in getting equal quality education with exposure to competitive world. It will also encourage other schools to provide better education as they will face competition. Teachers are appointed at national level thus formation of a cosmopolitan culture. This sets out an example to students and make their minds more liberal. KVs have a common curriculum, act as binder for students studying in them throughout the nation, thus, promote fraternity, unity and national integration.

The best thing State can do for society, is not to fetter it with laws but straighten the lives with honesty and modesty. The best function of State is not to legislate but educate, to make not laws but schools. The Statesmen, like subtlest teacher, guide and suggest through information, rather than invite pugnacity with prohibition; motto should be "*Millions for Education, not one cent for Compulsion*". Citizens asks not for lawmakers but creative teachers; submit not to regimentation but to knowledge;

achieves peace and order not through violence but through 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 'socialism' 'secularism' 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 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 spirit of brotherhood. The pity is that the key words of Preamble are not defined yet so Government should define them also.

03.01.1977: The words 'Socialist Secular' were inserted in Preamble by the Constitution (Fourty Second Amendmnet) Act 1976.

03.01.1977: The word 'Integrity' was inserted in the Preamble by the Constitution (Fourty Second Amendmnet) Act 1976.

01.04.2010: The Article 21A was inserted in the Constitution by the Constitution (Eighty Six Amendment) Act 2002

01.04.2010: The Right to Children to Free and Compulsory Education Act 2009 came into force throughout territory of India.

05.06.2019: Petitioner submitted a Representation to HRD Minister for establishing One Central School in every Tehsil/Taluka. A true and typed copy of Representation dated 05.06.2019 submitted to the Hon'ble HRD Minister, Hon'ble Finance

Minister is annexed herewith as **ANNEXURE P-1**
at (Pages to).

20.9.2019: Petitioner has not received any response from the HRD Ministry that's why filed Writ Petition (Civil) 10699/2019 in Delhi High Court under Article 226 of the Constitution. A true and typed copy of Writ Petition (Civil) No. 10699/2019 is annexed herewith as **ANNEXURE P-2 at (Pages to)**.

01.10.2019: The High Court appreciated the grounds and prayers but declined to issue notice to respondents. It is necessary to state that Article 21A must be read in consonance with Articles 14, 15, 16 and Preamble of the Constitution. 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.

05.12.2019: Hence, this present SLP in the interest of justice and national integration.