

### Case: The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) and its application to unaided minority schools. ### Summary: The Supreme Court of India held that the RTE Act, 2009 does not apply to unaided minority schools. The court observed that the Act is not applicable to unaided private educational institutions and that the right to education guaranteed under Article 21A of the Constitution is a fundamental right and not a socio-economic right. The court also held that Section 12(1) (c) of the RTE Act, which mandates private unaided schools to reserve 25% of their seats for children belonging to weaker sections and disadvantaged groups, is unconstitutional and violative of Articles 19 (1) (g) and 26 of the Constitution. ### Main Arguments: The main arguments in this case were whether the RTE Act, 2009 applies to unaided minority schools and whether Section 12(1) (c) of the Act, which mandates private unaided schools to reserve 25% of their seats for children belonging to weaker sections and disadvantaged groups, is constitutional. The petitioners argued that the Act does not apply to unaided minority schools and that Section 12(1) (c) is violative of Articles 19 (1) (g) and 26 of the Constitution. ### Court Decisions: The Supreme Court held that the RTE Act, 2009 does not apply to unaided minority schools. The court also held that Section 12(1) (c) of the Act, which mandates private unaided schools to reserve 25% of their seats for children belonging to weaker sections and disadvantaged groups, is unconstitutional and violative of Articles 19 (1) (g) and 26 of the Constitution. ### Legal Precedents or Statutes Cited: The court cited the following legal precedents and statutes: - Article 19 (1) (g) of the Constitution of India - Article 21A of the Constitution of India - Article 26 of the Constitution of India - Section 3(2) of the Right of Children to Free and Compulsory Education Act, 2009 - Section 12 (1) (c) of the Right of Children to Free and Compulsory Education Act, 2009 - The Constitution (Eighty-sixth Amendment) Bill, 2002 ### Quotations from the court: The court observed, "The RTE Act is not applicable to private unaided educational institutions... The right to education is a fundamental right guaranteed under Article 21-A of the Constitution of India. It is not a fundamental duty." The court also observed, "The right to education guaranteed under Article 21-A is a fundamental right and not a socio-economic right guaranteed under Article 39(e) of the Constitution of India." ### Conclusion: The Supreme Court held that the RTE Act, 2009 does not apply to unaided minority schools and that Section 12(1) (c) of the Act, which mandates private unaided schools to reserve 25% of their seats for children belonging to weaker sections and disadvantaged groups, is unconstitutional and violative of Articles 19 (1) (g) and 26 of the Constitution. ### Case: Supreme Court Upholds Constitutionality of Section 12(1)(c) of the RTE Act, 2009 ### Summary: The Supreme Court of India has upheld the constitutional validity of Section 12(1)(c) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009, which mandates a 25% reservation in private unaided schools for children from economically weaker sections. ### Main Arguments: The main arguments in this case centered around the constitutional validity of Section 12(1)(c), which was challenged by private unaided schools on the grounds that it is discriminatory, violative of Article 19(1) (g) of the Constitution, and violative of the fundamental right to trade, commerce, and occupation. ### Court Decisions: The Supreme Court held that Section 12(1)(c) of the RTE Act, 2009, is constitutional and upheld the 25% reservation in private unaided schools for children from economically weaker sections. The court observed that the object and purpose of the Act is to provide free and compulsory education to all children and to achieve the goal of Universal Elementary Education. ### Legal Precedents or Statutes Cited: The

court cited several legal precedents in its judgment, including the landmark case of Unni Krishnan J.P. v. State of Andhra Pradesh (1993) 1 SCC 645, which held that education is a fundamental right guaranteed under Article 21 of the Constitution. ### Quotations from the court: "The object and purpose of the Act is to provide free and compulsory elementary education to all children of the age of 6-14 years and to achieve the goal of Universal Elementary Education for strengthening the social fabric of our society." - Supreme Court of India ### Conclusion: In conclusion, the Supreme Court's decision upholding the constitutional validity of Section 12(1)(c) of the RTE Act, 2009, is a significant step towards achieving the goal of Universal Elementary Education in India. The court's decision reaffirms the fundamental right to education and recognizes the importance of inclusive and equitable education for all children.