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Mr. Abhishek, Adv.
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For Respondent(s) Mr. Ashok Agarwal, Adv.
Mr. Khagesh B. Jha, Adv.
Mr. Rajender Pd. Saxena, Adv.

Mr. S Wasim A Qadri, Adv.
Mr. Bhim P Singh, Adv.
Mr. Mukesh Verma, Adv.
Mr. Yatin Bhushan, Adv.
Mr. D.S. Mahra ,Adv.

Mr. Narendra Kumar, Adv

Ms. Nitya Rama Krishnan, Adv.
Mr. Trideep, Adv.
Mr. Snehasish Mukherjee, Adv.
Mr. Ajit Kumar Roy, Adv.

UPON hearing counsel the Court made the following
O R D E R

SLP(C) Nos. 24622, 24624, /2007, 14833, 14839 OF 2008

In all these special leave petitions, the petitioners are calling in question the correctness or otherwise of the judgment and order passed by the High Court of Delhi in LPA No. 196 of 2004, dated 19.11.2007.

Before passing the aforesaid order, the High Court had issued several directions to the Government of NCT of Delhi. Pursuant to the directions so issued, certain orders are issued by the Government of NCT of

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Delhi and those orders were placed before the High Court at the time of the disposal of the LPA.

The Court taking into consideration those amended order(s) had permitted the Government of NCT of Delhi to issue a notification in terms of the amended order(s).

We are informed by Shri Sunil Gupta, learned senior counsel appearing for the Petitioner-Forum for Promotion of Quality Education for All that the Government of NCT of Delhi has issued the notification pursuant to the orders passed by the High Court.

During the pendency of these special leave petitions, the Right of Children to Free and Compulsory Education Act, 2009 ('RTE Act', for short) is enacted and has come into force. The Central Government as well as the Government of NCT of Delhi, keeping in view the provisions of the RTE Act, has issued certain guidelines, dated 23.11.2010 and 15.12.2010.

In view of these subsequent developments, in our view, nothing survives in these special leave

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petitions for our consideration and decision at this stage. The special leave petitions are disposed of accordingly.

We make it clear that any person, aggrieved by the guidelines issued by the Central Government and the Government of NCT of Delhi, dated 23.11.2010 and 15.12.2010, is at liberty to question the same before an appropriate forum, if he so desires and if it is already not questioned and decided by a competent forum.

All the other contentions of both the parties are kept open.

Ordered accordingly.

In view of the aforesaid order, no orders are called for in the application for intervention in SLP(C) No. 24622/2007 and the same is disposed of accordingly.

SLP(C) Nos. 24617-24618 of 2007

Shri Sunil Gupta, learned senior counsel appearing for the petitioner submits that the High Court while recording the approval of the proposals accepted by the Directorate of Education and Government

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of NCT of Delhi had stated as under :

"That the cut off date for the calculation of age should be 31st March of the year of admission. A child should have completed four years on or before 31st March of the year of admission to be considered eligible for gaining admission to pre-primary class. A child should have completed a minimum of five years on or before 31st March of the year of admission to be considered eligible for gaining admission to Class I. The cut off date of 31st March will be of the academic year for which admission will be taken."

Learned senior counsel further submits that the age stipulation does not find a place in the RTE Act. Therefore, he should be given liberty to file a fresh Review Petition before the High Court.

Shri Ashok Agarwal, learned counsel for respondent No. 1 has some reservations on the request made by Shri Sunil Gupta.

In our view, permitting the petitioner to file a review petition will not prejudice the case of the respondents herein.

Therefore, we permit the petitioners, if they so desire, to file a fresh review petition before the High Court seeking review/clarification of the judgment and order passed

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by the High Court in W.P. No. 12490 of 2006 within 15 days from the date of this order.

We make it clear that we have not expressed any opinion on the submissions made by Shri Gupta, learned senior counsel. If such a review petition is filed within the time granted, we request the High Court to consider the review petition on merits without reference to the period of limitation.

The special leave petitions stand disposed of accordingly.

In view of the aforesaid order, no orders are called for in the applications for impleadment and intervention and the same stand disposed of accordingly.

| [Charanjeet Kaur] | [Vinod Kulvi] |
| Court Master | | Court Master | |