

**Court No. - 32**

**Case :-** WRIT - C No. - 6317 of 2021

**Petitioner :-** Khwaja Shamshad Ahmad

**Respondent :-** Chairman, Commission Of Protection Of Child Rights State Of U.P. And 3 Others

**Counsel for Petitioner :-** In Person

**Counsel for Respondent :-** C.S.C.

**Hon'ble Mrs. Manju Rani Chauhan,J.**

Learned counsel for the petitioner submits that the benefit of Right to Education has not been given to his child and by order dated 22.04.2021, the District Basic Education Officer, Prayagraj has rejected the claim of the petitioner on the ground that there is no provision of directly admitting any student in Class-II. Learned counsel for the petitioner submits that the aforesaid ground as stated is against the provision of Section 4 of the Right of Children to Free and Compulsory Education Act, 2009, which is as follows:-

*"4. Special provisions for children not admitted to, or who have not completed, elementary education.—Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age:*

*Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as may be prescribed:*

*Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years."*

Learned Standing Counsel raised a technical objection that the order rejecting the claim of the student has not been challenged, hence he is not in a position to obtain instructions in the matter.

The Court is of the opinion that career of the student cannot be ruined only on technical ground, therefore, in the interest of justice, learned Standing Counsel is directed to obtain instructions in the matter as to why the petitioner's daughter is not being admitted in Class-III as required under the law.

Put up this case on 06.12.2021 as fresh.

**Order Date :-** 24.11.2021

Jitendra/-