

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).8142/2024

(Arising out of impugned final judgment and order dated 22-03-2024 in WA No.380/2024 passed by the High Court Of Karnataka At Bengaluru)

ORGANISATION FOR UNAIDED RECOGNISED SCHOOLS & REG;
(OUR SCHOOLS) Petitioner(s)

VERSUS

STATE OF KARNATAKA & ORS. Respondent(s)

(IA No.82625/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.82626/2024-EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No. 8127/2024 (IV-A)

(IA No.82523/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.82525/2024-EXEMPTION FROM FILING O.T.)

SLP(C) No. 8136/2024 (IV-A)

(IA No.82611/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.82613/2024-EXEMPTION FROM FILING O.T.)

Date : 08-04-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. K.V. Dhananjay, Adv.
Mr. A Velan, AOR
Ms. Navpreet Kaur, Adv.
Mr. Sainath P.M. Adv.
Ms. Ananya A.K., Adv.
Mr. Dheeraj S.J. Adv.
Mr. Honey Kumbat, Adv.

For Respondent(s)

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

1. The matter though listed at Item No.63 is taken up on priority basis on the oral mentioning made by learned counsel, Mr. K.V.

Dhananjay for the petitioners. A copy of the order dated 06.04.2024 passed by the Karnataka School Quality Assessment and Accreditation Council, is taken on record.

2. Heard learned counsel for the petitioners of the three petitions filed by Organisation for Unaided Recognised Schools and Reg, Registered Unaided Private Schools Management Association Karnataka and RTE Students and Parents Association.

3. This is the classic instance whereby none else than the State Government of Karnataka has sought to create a havoc and great distress not only amongst the students and their parents, but also amongst the teachers and the School Managements in the State of Karnataka.

4. The present set of petitions are directed against the common impugned judgment and order dated 22.03.2024 passed by the Division Bench of the High Court of Karnataka at Bengaluru in W.A. Nos.379 and 380 of 2024, whereby the Division Bench while allowing the said appeals and setting aside the order dated 06.03.2024 passed by the Single Bench in Writ Petition Nos.26489 and 24745 of 2023, has directed the State to hold the remaining assessment for the Classes 5th, 8th and 9th and to resume the process, which was stalled for 11th standard. It was additionally directed to the State to consult the stakeholders before notifying the assessment of alike pattern for upcoming academic years.

5. It has been sought to be submitted by the learned counsel for the petitioners that the impugned order is passed by the High Court in utter ignorance of the basic tenets of the statutory interpretation as also of the constitutional provisions and the RTE Act. Not only that, despite this Court's observations made in the

order dated 12.03.2024 passed in Civil Appeal No.4144 of 2024, and despite the fact that there were important issues pertaining to the Education Policy of the State involved, the Division Bench did not grant the petitioners any time to approach this Court to challenge the impugned order. The State Government also speedily proceeded with the Board exams in extremely hurried manner and directed to schedule the exams on 25th, 26th, 27th and 28th of March, 2024 for the students of Classes 5th, 8th and 9th, when the 10th Board exams were also scheduled, causing tremendous hardships to the students, their parents and the teachers. As if, this was not enough, runs the submission of the learned counsel for the petitioners, in order to see that the petitioners do not get any relief from this Court, on Saturday, i.e., on 6th April, 2024, in the late evening hours, an order in the form of proceeding came to be issued by the Karnataka School Quality Assessment and Accreditation Council, directing all the School Head Teachers / Principals (through Block Education Officers) to compulsorily publish the evaluation results for the standards 5th, 8th and 9th before 9.00 A.M. on 08.04.2024. It has also been stated therein that under no circumstance, should there be a delay in publishing the results and the Deputy Director (Administration) and Block Education Officer shall ensure that the results shall be published in all the Schools by the Head Masters/Principals and shall inform the Board accordingly.

6. It is further sought to be submitted by the learned counsel for the petitioners that though the teachers had raised objections against evaluation of 1.66 crores answer sheets of Classes 5th, 8th and 9th Board exams in the shortest possible time and though the schools had complained of errors in the evaluation of the Board

exams answer sheets of the said classes, the order dated 06.04.2024 came to be issued making it compulsory for the School Managements to publish the evaluation results for the said classes, before 9.00 A.M. on 08.04.2024.

7. Having regard to the above submissions made by the learned counsel for the petitioners, it appears that the respondent - State is anyhow bent upon playing with the future of the students and cause mental agony and physical hardships to the students, their parents, their teachers, as also to the School Managements. The manner in which the order dated 06.04.2024 has been passed, it smacks of the ill-intention on the part of the respondent - State to see to it that the impugned order of the High Court may not be challenged by the petitioners and if challenged, the petitions may become infructuous.

8. The impugned order passed by the Division Bench also *prima facie* does not appear to be in consonance with the provisions contained in the RTE Act and with the settled tenets of interpretation of statutes.

9. In the above circumstances, notice be issued to the respondents returnable on 23.04.2024.

10. Liberty is granted to serve the notice upon the Standing Counsel for the State of Karnataka.

11. For the reasons stated above, operation and implementation of the impugned order dated 22.03.2024 passed by the Division Bench as also of the order dated 06.04.2024 passed by the Karnataka School Quality Assessment and Accreditation Council are stayed till further orders.

12. The results declared by any School, pursuant to the said order dated 06.04.2024, shall be kept in abeyance and shall not be taken into consideration for any purpose whatsoever, nor shall they be communicated to the parents, if not communicated so far.

13. The learned counsel for the petitioners as also the Registry may communicate this order telephonically or by any other mode to the respondent No.2 - Commissioner of Public Instructions, Department of School Education and Literacy, Government of Karnataka, at the earliest.

14. List on 23.04.2024.

(RAVI ARORA)
COURT MASTER (SH)

(MAMTA RAWAT)
COURT MASTER (NSH)