2025:AHC-LKO:73922-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

SPECIAL APPEAL No. - 222 of 2025

Master Nitesh Kumar, through his mother Smt. Lalli Devi

.....Appellant(s)

Versus

State of U.P. through Addl. Chief Secy./ Prin.Secy. Deptt. of Basic Education Lko. and 4 others

.....Respondent(s)

Counsel for Appellant(s)	:	Gaurav Mehrotra (Sr. Adv), with Utsav Mishra, Madhu
Counsel for Respondent(s)	:	Anuj Kudesia (AAG) with Ran Vijay Singh (A.C.S.C.), Rishabh Tripathi, Himanshu Raghave

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Along with :

1. **Special Appeal No. 223 of 2025:**
   Dharm Veer through his natural guardian Shri Bhanu Pratap Singh and 16 others
   Versus
   State of U.P. through its Addl. Chief Secy. Deptt. of Basic Education Lko. and 3 others
2. **Special Appeal No. 228 of 2025:**
   Km. Gulabsa Bano (Cwsn) through her natural guardian father Sri Sahabuddin and 3 others
   Versus
   State of U.P. through Addl. Chief Secy./Prin. Secy. Deptt. of Basic Education Lko. and 6 others

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Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE JASPREET SINGH, J.

1. These appeals arise out of orders dated 07.07.2025 passed by learned Single Judge in Writ- C no.6290 of 2025 and Writ-C No.6292 of 2025 wherein the writ petitions filed by the appellants have been dismissed.

2. The petitions were filed seeking to question the validity of the action of the respondents in pairing the schools. The appeals and the writ petitions were/are confined to District Sitapur.

3. The challenge was laid primarily on account of the fact that paired

schools violate the norm of having a school in the neighbourhood under the provisions of the Right of Children to Free and Compulsory Education Act, 2009 ('the Act, 2009') and in violation of Article 21-A of the Constitution of India.

4. During pendency of the present writ petitions, by order dated 24.07.2025, this Court, on noticing certain discrepancies, ordered for maintaining status quo as it existed on the said date.

5. Whereafter, on 21.08.2025, learned Additional Advocate General produced instructions before the Court indicating that by way of video conferencing dated 30.07.2025, directions for unpairing of the schools, where the number of students was more than 50 and the schools were situated at a distance of over 1 km, were given.

6. On the said submissions, learned AGA was directed to place on record material to indicate the instructions issued pursuant to the video conferencing dated 30.07.2025.

7. Pursuant to the said directions, a short counter affidavit has been filed on 15.10.2025 inter alia, placing on record the order/circular dated 27.08.2025 issued by the Additional Chief Secretary inter alia ordering for unpairing of the schools where the number of students was more than 50 and the distance between the two schools was more than 1 km. The said communication has been placed on record as Annexure CA-1. Another communication dated 13.10.2025 has been produced as CA-3 inter alia indicating that pursuant to the order/circular dated 27.08.2025, the pairing of schools was reviewed and only schools where the students were less than 50, pairing has been done and the aspect pertaining to the schools being situated within 1 km has been taken into consideration.

8. In view of the above fact situation, wherein affidavit along with order/circular dated 27.08.2025 has been filed indicating the status of pairing, the exercise now apparently is in consonance with the Act, 2009 and Rules framed thereunder.

9. In view thereof, the special appeals are **disposed of** in light of the order/circular dated 27.08.2025 issued by the respondents. It would be

required of the respondents to continue to abide by the said guidelines as indicated in the said order/circular while undertaking any exercise pertaining to pairing of the schools.

(Jaspreet Singh,J.) (Arun Bhansali,CJ.)

November 17, 2025
Harshita/SL

Digitally signed by :-
HARSHITA
High Court of Judicature at Allahabad,
Lucknow Bench