



CONSTITUTIONAL LAW

Gauhati High Court Upholds Right to Free Books and Uniforms under the RTE Act

AUTHOR Rahul Sundaram, Divy Lotia

PUBLISHED 20 September 2025

Introduction

The Gauhati High Court in its judgment dated 15 September 2025 in WP(C)/4188/2025 (Master Rehan Barai & Anr. v. State of Assam & Ors.) has once again reiterated the constitutional and statutory mandate of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act). The Court directed that children admitted under Section 12(1)(c) of the Act are entitled to free admission and to free textbooks and uniforms. This decision, though arising from a consensual resolution between the parties, reinforces the principle that the right to free and compulsory education extends beyond mere classroom admission and covers the essential learning aids required for meaningful participation in education.

Table of contents

- [Introduction](#)
- [Background of the Case](#)
- [Respondents' Argument](#)
- [Legal Framework and Precedents](#)
- [Court's Analysis](#)
- [Remedial Classes](#)
- [Conclusion](#)

Background of the Case

The petitioners, two minor children represented through their father, sought relief under Article 226 of the Constitution of India. They contended that although they were admitted into Class KG and Class III respectively in the respondent school, the institution insisted upon the payment of fees for books and uniforms. While admission fees were waived, the demand for books and uniforms created a financial burden on the parents, who were unable to comply. As a consequence, the children were denied participation in regular classes since the beginning of the academic year in April 2025.

The petitioners relied upon Section 12(1)(c) of the RTE Act, read with Rules 7 and 8 of the Assam Right of Children to Free and Compulsory Education Rules, 2011, and Office Memorandum PMA 73/2021/47 issued by the Elementary Education Department of Assam. Their contention was that the statutory scheme mandates complete free education, including books and uniforms, and any contrary insistence by private schools receiving reimbursement from the government would defeat the object of the Act.

Respondents' Argument

The school authorities, represented by counsel, clarified before the Court that they would not insist upon payment for books and uniforms. They further submitted that the costs incurred in providing the same to the petitioners would be reimbursed by the State Government in accordance with Section 12(2) of the RTE Act. This provision enables reimbursement to private unaided schools to the extent of per-child expenditure incurred by the State or the actual amount charged, whichever is lower.

Legal Framework and Precedents

The Court examined Section 12(2) of the RTE Act, which clearly provides that schools offering free and compulsory education under Section 12(1)(c) shall be reimbursed for the expenditure incurred, subject to limits. The law also restricts reimbursement where schools have already received concessions in land, building, or facilities in exchange for free education obligations.

The Supreme Court in *Society for Unaided Private Schools of Rajasthan v. Union of India* (2012) 6 SCC 1 upheld the constitutional validity of Section 12(1)(c) of the RTE Act, emphasizing the State's duty under Article 21A of the Constitution to ensure universal elementary education. Similarly, High Courts across India, including the Delhi High Court in *Social Jurist v. GNCT of Delhi* (2013), have clarified that free education under the RTE Act includes waiver of tuition fees and provision of uniforms, textbooks, and related essentials.

Court's Analysis

Justice Kaushik Goswami, after hearing the parties recorded the consensus between the petitioners and the respondent school. Instead of engaging in a detailed interpretive exercise, the Court disposed of the petition by directing the school to provide free books, uniforms, and other essentials to the petitioners, with reimbursement to follow from the State under Section 12(2) of the RTE Act.

The Court further noted that because the petitioners had been unable to attend classes since April 2025 due to the lapses of the school, remedial classes must be arranged to bring them at par with their peers.

Remedial Classes

A particularly significant aspect of the order was the direction to the school to provide remedial classes. Since the children had missed regular classes from April 2025 due to the initial lapse, the Court held that remedial measures were necessary to ensure that the children are brought at par with their peers. This direction underscores the judiciary's commitment to substantive equality in the delivery of education, rather than mere formal compliance with admission requirements.

Conclusion

The Gauhati High Court's decision is an important reminder that the right to education under Article 21A of the Constitution is not a hollow formality but a substantive right that ensures children are given every necessary tool to access quality education. By directing that books, uniforms, and remedial classes be provided free of cost, the Court has strengthened the jurisprudence around Section 12 of the RTE Act and reinforced the idea of equal opportunity in education.

In the author's view, this judgment is a welcome development in ensuring accountability of private schools operating under the RTE mandate. It also clarifies the role of the State in reimbursing such expenses, thereby balancing the interests of both schools and disadvantaged children. However, it is equally important that the State machinery expedites reimbursements and monitors compliance strictly, so that children's rights are not contingent upon protracted litigation. The decision thus addresses the individual grievances of the petitioners and fortifies the broader principle that education must be genuinely free and accessible to all children.

For more details, write to us at: contact@indialaw.in

Related Practice Areas

Corporate & Commercial