

FR. No. 2166/2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

PRESENTATION FORM

W. P. No. 2366/2021

Bengaluru District

Serial No. _____

Between

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Radhama and Ors.

And

State of Karnataka
and Ors.

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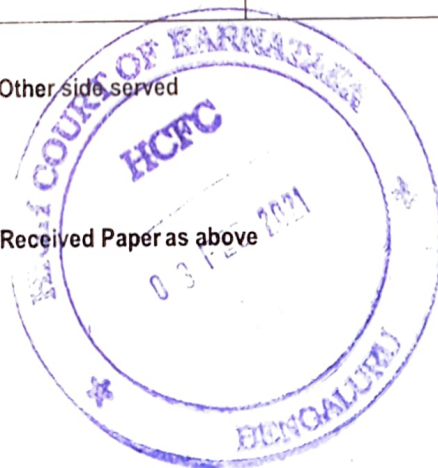
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IN THE HON'BLE HIGH COURT OF KARNATAKA,

AT BANGALORE

WRIT PETITION (CIVIL) No. _____/2020

BETWEEN

Radha M and Ors.

...PETITIONER

AND

State of Karnataka and Ors.

...RESPONDENTS

INDEX

SL NO.	PARTICULARS	PG NO.
1.	SYNOPSIS AND LIST OF DATES	1-5
2.	MEMORANDUM OF WRIR PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA.	6-28
3.	VERIFYING AFFIDAVITS	29-31
4.	ANNEXURE A - A copy of the Order no. 40-3/2020-DM-I (A) dated 30th September 2020	32-45
5.	ANNEXURE B - A copy of the UNICEF report titled, "In-Person Schooling and COVID-19 transmission: A Review of the Evidence" dated 10.12.2020	46-47
6.	ANNEXURE C - A copy of the CDC Report titled, "Indicators for Dynamic School Decision making" dated 15.9.2020	48-54
7.	ANNEXURE D - A copy of the WHO Report titled, "What we know about COVID 19 Transmission in Schools", dated 21.10.2020	55-76
8.	ANNEXURE E - A copy of the article titled,	

	"Restore all rights of children' dated 01.01.2021 published in the Indian Express	77-79
9.	ANNEXURE F - A copy of the article titled, "Experts Seek Complete Re-opening of Karnataka Schools, Minister likely to Make Announcement on January 28' dated 27.1.2021 published in the Indian Express	80-81
10.	ANNEXURE G - A copy of the article titled, "Re-open schools for special kids, say Educators' dated 28.1.2021 published in the Times of India	82-83
11.	ANNEXURE H - A copy of the article titled, "2K Rural Pvt schools restart classes 1 to 5" dated 28.01.2021 published in the Times of India	84-85
12.	ANNEXURE J - A copy of the judgement dated 13.01.2021 passed in WP(Civil) No. 1039/2020	86-116
13.	ANNEXURE K - A copy of the order dated 29.01.2021 issued by the State of Andhra Pradesh	117-119
14.	ANNEXURE L -A copy of the articles titled "Primary Kids in AP to go to School, from Feb 1", dated 30.1.2021 in Times of India newspaper	120-121
15.	ANNEXURE M - A copy of the news report dated 01.02.2021 titled, "Karnataka: Schools reopen for class 9 from today"	122-123
16.	VAKALATHNAMA	124-125

PLACE:

DATE:

COUNSEL FOR THE PETITIONERS

IN THE HON'BLE HIGH COURT OF KARNATAKA,

AT BANGALORE

WRIT PETITION (CIVIL) No. _____/2020

BETWEEN

Radha M and Ors.

...PETITIONER

AND

State of Karnataka and Ors.

...RESPONDENTS

SYNOPSIS

The present petition is filed by the Petitioners being aggrieved by the non-reopening of government schools for classes 1-8 and the non-opening of Anganwadis. The continued closure of government schools from classes 1 to 8 by the Respondents in Karnataka amounts to a complete violation of the right to education guaranteed to children under Article 21A of the constitution and their legal rights under the Right of Children to Free and Compulsory Education Act 2009 ("RTE Act"). Despite COVID cases reducing in Karnataka and all other activities having resumed, the Respondent Government has not allowed for the physical opening of government schools from classes 1-8 and for Anganwadis to reopen. This long closure of schools is leading to the aggravation of poor nutrition amongst children. Due to Anganwadis being closed, younger children are not getting their daily nutrition and school-going children are not getting cooked mid-day meals.

Malnutrition, Stunting has increased. For many children, the hot cooked mid-day meal provided in the school is the most important source of nourishment. Children are losing touch with structured learning, which is possible in the school physically. Due to schools being closed there is evidence that minor girls are being pressurized into early marriages. There is evidence that more children are getting into child labour and will drop out of schools when they resume. The drop out risk increases with increasing periods of closure. Hence immediate resumption of schools is essential to address and reduce these harms. Even the Hon'ble Supreme Court vide order dated 13.1.2021 has directed the re-opening of Anganwadis from 1.2.2021 with certain requirements to be kept in mind. Despite this order, the Anganwadis in Karnataka have not re-opened. This is seriously affecting the rights to education and health of children from 0-6 years. Thus, when all economic activities have resumed, it is respectfully submitted that keeping primary schools closed is irrational, harmful, unscientific and goes against the best interest of children and deprives children of their right to education and nutrition and a violation of their constitutional and legal rights. Hence, this Petition.

LIST OF EVENTS

DATE	EVENT
24.03.2020	Ministry of Home Affairs imposed a nation-wide lockdown for a period of 21 days. The guidelines directed shutting down of schools, colleges and all other educational institutions for the said period.
14.04.2020	MHA issued further guidelines extending the nation-wide lockdown for a further period of 19 days.
15.4.2020	MHA under the provisions of Section 10(2)(I) of the Disaster Management Act 2005 issued an Order specifically stating that all educational institutions will remain closed.
15.09.2020	A report titled, "Indicators for Dynamic School Decision making" by CDC was published.
30.09.2020	Ministry of Home Affairs vide Order no. 40-3/2020-DM-I (A) issued guidelines for re-opening, following lockdown measures put in place for containment of COVID-19 in the country under the Disaster Management Act, 2005
15.10.2020	MHA permitted reopening of schools and coaching institutions outside the Containment Zones.

21.10.2020	WHO Report titled, "What we know about COVID 19 Transmission in Schools"
10.12.2020	Report titled, "In-Person Schooling and COVID-19 transmission: A Review of the Evidence" published by UNICEF
01.01.2021	Schools for students from 6th Standard to 12th standard were reopened.
01.01.2021	An article titled, "Restore all rights of children" dated published in the Indian Express.
13.01.2021	Hon'ble Supreme Court of India issued directions to resume functioning of Anganwadi Centers latest by 01.02.2021 in WP(Civil) No. 1039/2020
27.01.2021	An article titled, "Experts Seek Complete Re-opening of Karnataka Schools, Minister likely to Make Announcement on January 28" published in Indian Express.
28.01.2021	An article titled, "Re-open schools for special kids, say Educators" published in the Times of India
	An article titled, "2K Rural Pvt schools restart classes 1 to 5" published in the Times of India

29.01.2021	The neighbouring state of Andhra Pradesh has decided to resume physical classes from 01.02.2021 of minor children studying in class 1st to 5th.
01.02.2021	A report titled, "Karnataka: Schools reopen for class 9 from today" in IndiaTv.
HENCE THIS PETITION	

PLACE: Bangalore

DATE:

COUNSEL FOR THE PETITIONERS

**IN THE HON'BLE HIGH COURT OF KARNATAKA,
AT BANGALORE**

WRIT PETITION (CIVIL) No. _____/2021

BETWEEN

1. Radha M,

Aged about 32 years,

W/o V Kumar

R/o Bannikuppe(B), Bidadi Hobli,

Ramanagara Taluk and District,

Ganakal Post, Karnataka 562109

2. Chikkanna N,

Aged about 43 years,

S/o T Nagappa,

R/o Thondebhavi Railway Station,

Thondebhavi Post,

Gouribidhanur Taluk,

Chikkaballapura District, Karnataka 561213

3. Gangaraju TL,

Aged about 37 years,

S/o Lakshmi Narasappa,
R/o Thondebhavi Village and Post,
Gouribidhanur Taluk,
Chikkaballapura District Karnataka 561213

PETITIONERS

AND

1. State of Karnataka

Department of Primary & Secondary Education
6th Floor, M.S.Building,
Dr.Ambedkar Veedhi, Bengaluru - 560001
Represented by its Principal Secretary

2. State of Karnataka

Department of Women and Children
M.S.Building,
Dr.Ambedkar Veedhi, Bengaluru - 560001
Represented by its Principal Secretary

3. Commissioner for Public Instruction

New Public Office, Near-RBI,
Nrupathunga Rd, Ambedkar Veedhi,
Sampangi Rama Nagar,

**MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226 AND 227 OF
THE CONSTITUTION OF INDIA**

The Petitioners herein humbly submit as follows:

1. The present petition is filed by the Petitioners being aggrieved by the non-reopening of government schools for classes 1-8 and the non-opening of Anganwadis. The continued closure of government schools from classes 1 to 8 by the Respondents in Karnataka amounts to a complete violation of the right to education guaranteed to children under Article 21A of the constitution and their legal rights under the Right of Children to Free and Compulsory Education Act 2009 ("RTE Act"). Despite COVID cases reducing in Karnataka and all other activities having resumed, the Respondent Government has not allowed for the physical opening of government schools from classes 1-8 and for anganwadis to reopen. This long closure of schools is leading to the aggravation of poor nutrition amongst children. Due to anganwadis being closed, younger children are not getting their daily nutrition and school going children are not getting cooked mid-day meals.

(9)

Malnutrition, Stunting has increased. For many children, the hot cooked mid-day meal provided in the school is the most important source of nourishment. Children are losing touch with structured learning, which is possible in the school physically. Due to schools being closed there is evidence that minor girls are being pressurized into early marriages. There is evidence that more children are getting into child labour and will drop out of schools, when they resume. The drop out risk increases with increasing period of closure. Hence immediate resumption of schools is essential to address and reduce these harms. Even the Hon'ble Supreme Court vide order dated 13.1.2021 has directed the re-opening of Anganwadis from 1.2.2021 with certain requirements to be kept in mind. Despite this order the Anganwadis in Karnataka have not re-opened. This is seriously affecting the rights to education and health of children from 0-6 years. Thus, when all economic activities have resumed, it is respectfully submitted that keeping primary schools closed is irrational, harmful, unscientific and goes against the best interest of children and deprives children of their right to education and nutrition and a violation of their constitutional and legal rights.

ARRAY OF PARTIES

2. The Petitioners are the parents of minor children studying in class 1st to 8th in government schools in Karnataka. The children of the Petitioner

No. 1 are studying in class 7 and class 8 in Government Higher Primary School in Bannikuppe, Ramanagara. The child of the Petitioner No. 2 is studying in class 5 in Government Higher Primary School in Gouribidhanur Taluk, Chikkaballapura District. The Petitioner No. 3's child is studying in Class 4 in Government Higher Primary School in Thondebhavi Old Town. The names of the Petitioners' children and the names of the schools where they are studying is not disclosed keeping the privacy of the children in mind. The Petitioners are willing to provide all their children's details, if required by this Hon'ble Court, in a sealed cover.

3. The petitioners are filing the present writ petition in public interest. The Petitioners have no personal interest in the litigation and the petition is not guided by self-gain or for gain of any other person/ institution/body and that there is no motive other than of public interest in filing the writ petition. That the persons affected by the closure of schools are the children all over the State are numerous and are not in a position to approach the Hon'ble Court hence the petitioners are filing the present PIL on behalf of such affected persons. The Petitioners being parents of children studying in government schools and know the losses caused to the children due to the closure of schools and hence have filed this petition to seek reliefs for all children in the State.

4. The Respondents are State of Karnataka represented by the Department of Primary and Secondary Education, the Department of Public Instruction and Department of Women and Children of State of Karnataka.

Brief Facts:

5. It is submitted that in the month of February and March, 2020, the COVID 19 pandemic hit the country and in response to the same, the Ministry of Home Affairs, Government of India, declared a lockdown. The declaration of the lockdown was followed by issuance of guidelines dated 24.03.2020, by the Ministry of Home Affairs (MHA). The guidelines dated 24.03.2020 imposed a nation-wide lockdown for a period of 21 days. The guidelines directed shutting down of schools, colleges and all other educational institutions for the said period. Pursuant to the above guidelines, all educational institutions were shut down. The MHA issued further guidelines on 14.04.2020 extending the nation-wide lock down for a further period of 19 days. There were certain relaxations that were given for essential services but it was directed that the schools, colleges and other educational institutions were to remain shut.

6. When the lockdown was extended, the MHA under the provisions of Section 10(2)(I) of the Disaster Management Act 2005 issued an Order dated 15.4.2020 specifically stating that all educational institutions will remain closed. However online teaching was permitted and hence most private schools started continued their academic schedule through online teaching. Though there was no direction to the Respondent government schools to not conduct online classes, the Respondent state government did not start any online teaching at all. Due to this, all students of government schools and local authority schools in Karnataka were completely left to their own devices and they were not receiving any education.

7. Thereafter the Ministry of Home Affairs vide Order no. 40-3/2020-DM-I (A) dated 30th September, 2020, issued guidelines for re-opening of several facilities, following safety measures put in place for containment of COVID-19 in the country under the Disaster Management Act, 2005. Among the activities permitted outside the Containment Zones is the reopening of schools and coaching institutions, after 15th October, 2020, in a graded manner. This allowed State governments to take a decision on the re-opening of schools subject to conditions which included following a strict SOP and safety measures.

(A copy of the Order no. 40-3/2020-DM-I (A) dated 30th September, 2020 is annexed herein as **ANNEXURE - A**)

8. Thereafter the Respondent State Government did not take any decision on the re-Karnataka and they continue to remain closed.
9. As the private schools moved ahead with imparting education to their students through online classes, the students who were enrolled in the government schools till date have not been able to access education due to lack of infrastructure with the government schools as well as the students enrolled in these schools. The children who are usually enrolled in the government schools come from groups which are socially less privileged.
10. It is submitted that presently since January 2021, there has been a drastic decrease in the number of coronavirus cases in the country. In Karnataka, official figures now reveal that the case positivity rate is much lower than 1%. In Karnataka, the number of corona cases rose sharply and almost 60% of the population got the infection when the schools remained closed. On the other hand, after the re-opening of classes 6-12 since January 1, 2021, the cases of corona have reduced four-fold, from about 1600 per day to 400 per day by the end of January 2021. Hence the reopening of schools would not increase the spread and

does not create any problem for children, teachers, parents or other elderly family members.

11. There has also been a substantial decline in the number of new coronavirus cases in the State and there is some normalcy in all the parts of the State and accordingly, all the services in the state of Karnataka have been resumed in a phased manner. The Central Government has also decided to restore normalcy and has removed almost all the restrictions while promoting social distancing and maintenance of hygiene. Despite this, the government schools have not re-opened.
12. Never in our history have schools been kept closed for almost a year. Schools have remained shut since March 2020, after being considered as non-essential, and although every other sector has been thrown open, schools have not yet been permitted. This runs contrary to all the scientific evidence available from all over the world and from our own country. In many other countries where the COVID cases are much more, despite the lockdown, schools have been re-opened, keeping in mind the fundamental rights of children and the harms caused by closure of schools.

13. Many studies from across the world and also India have shown that the transmission of corona virus is much less likely in children than in adults and that schools do not provide any super spreader environments. UNICEF, considering all the published studies, has strongly recommended reopening of the schools. In its Brief dated 10th December 2020, UNICEF has recommended that reopening of schools and has stated that in a global study that has tracked school closures and subsequent re-openings data in 191 countries showed no association between school status and COVID-19 infection rates in the country.

(A copy of the UNICEF report titled, "In-Person Schooling and COVID-19 transmission: A Review of the Evidence" dated 10.12.2020 is annexed herein and is marked as **ANNEXURE – B**)

14. The Centre for Disease Control and Prevention (CDC) and the World Health Organisation (WHO) have also been advocating reopening of schools since many months and held that it is critical for schools to open as safely and as quickly as possible for in-person learning.

(A copy of the CDC Report titled, "Indicators for Dynamic School Decision making" dated 15.9.2020 is annexed herein and is marked as **ANNEXURE – C**)

(A copy of the WHO Report titled, "What we know about COVID 19 Transmission in Schools", dated 21.10.2020 is annexed herein and is marked as **ANNEXURE – D)**

15. The continued closure of schools has led to great and irreparable losses to children in the State. Children are forced into child labour, and girls have been forced into child marriages and there are alarming rates of children dropping out permanently of the school system. Due to all these concerns, many experts have also been requesting the Respondent State Government to re-open government schools physically.

(A copy of the article titled, "Restore all rights of children' dated 01.01.2021 published in the Indian Express is annexed herein and is marked as **ANNEXURE – E)**

(A copy of the article titled, "Experts Seek Complete Re-opening of Karnataka Schools, Minister likely to Make Announcement on January 28' dated 27.1.2021 published in the Indian Express is annexed herein and is marked as **ANNEXURE – F)**

(A copy of the article titled, "Re-open schools for special kids, say Educators' dated 28.1.2021 published in the Times of India is annexed herein and is marked as **ANNEXURE – G)**

(A copy of the article titled, "2K Rural Pvt schools restart classes 1 to 5" dated 28.01.2021 published in the Times of India is annexed herein and is marked as **ANNEXURE - H**)

16. It is submitted that even the re-opening of Anganwadis have been now ordered by the Hon'ble Supreme Court in *Dipika Jagatram Sahani v. Union of India & Anr.*, WP (Civil) No. 1039/2020 vide order dated 13.1.2021, wherein it has been directed all States/Union Territories who have not yet opened Anganwadi Centers shall take a decision to open Anganwadi Centers on or before 31.01.2021 situated outside the containment zones and that the decision for not opening Anganwadi Centers in any State/Union Territory shall be taken only after the State Disaster Management Authority of the State directs for not opening of Anganwadi Centers in State/particular area of State situated outside the containment zone.

(A copy of the judgement dated 13.01.2021 passed in WP(Civil) No. 1039/2020 is annexed herein as **ANNEXURE - J**)

17. It is submitted that many states and in particular, the neighbouring state of Andhra Pradesh has decided to resume physical classes of minor children from 01.02.2021 for children studying in class 1st to 5th. It is pertinent to note that the physical classes of students

above the 5th standard have already resumed in a phased manner. Andhra Pradesh, while recognising the importance of education for the minor children and their safety issued an order dated 29.01.2021 requesting the state officials to take necessary steps to resume physical classes of the students from 1st to 5th with all the necessary precautionary measures.

(A copy of the order dated 29.01.2021 issued by the State of Andhra Pradesh is annexed herein as **ANNEXURE - K**)

(A copy of the articles titled "Primary Kids in AP to go to School, from Feb 1", dated 30.1.2021 in Times of India newspaper is annexed herein as **ANNEXURE - L**)

18. The Government of Karnataka has ordered the closure of primary schools (classes 1 through 8) throughout the state of Karnataka since March 2020 much before the National lockdown. Classes 10 and 9 have been opened up recently and classes 6-8 students are being allowed to attend alternate days. Classes 1-5 and Anganwadis continue to be fully closed. The closure of schools was initiated by the Government in March 2020, following the spread of COVID-19 virus. It is hence 10 months since most children have been to school.

19. Presently the Respondents have only re-opened schools for learners from Class 9 from 01.2.2021 but not for the other classes, especially the younger learners.

(A copy of the news report dated 01.02.2021 titled, "Karnataka: Schools reopen for class 9 from today" is annexed herein and is marked as

ANNEXURE – M)

20. The opening of all schools in the state of Karnataka, following adequate precautions and guidelines, is required, to comply with the fundamental right to education of all children between ages 6 and 14 years and the legal right to Mid-day meals provided in the school under National Food Security Act 2013. Only with the reopening of schools can the menace of child labour, child trafficking, child marriage and all forms of physical, mental and sexual abuse on children be addressed. In terms of safety and social distancing, the same is not an issue as the number of students studying in Government schools are quite less and social distancing can be easily maintained in the schools while impairing education physically. As many as 14,557 in the State of Karnataka have students less than 25 put together all classes from 1to 5 or from 1to 7.

21. Having no other alternative, the Petitioners are constrained to approach this Hon'ble Court to seek the re-opening of government schools for children in classes 1 to 8 and also for the re-opening of

Anganwadis. Having no other alternative and equally efficacious remedy, the Petitioners have filed the present write petition on the following grounds. The Petitioners have not filed any other petition on the same cause of action before this Hon'ble Court or any other court, tribunal or forum.

GROUND

22. **THAT** the non-re-opening of government schools from classes 1 to 8 by the Respondents in Karnataka amounts to a complete violation of the right to education guaranteed to children under Article 21A of the constitution and their legal rights under the Right of Children to Free and Compulsory Education Act 2009 ("RTE Act") and hence deserves the intervention of this Hon'ble Court.
23. **THAT** the non-opening of anganwadis in Karnataka, despite the direction by the Hon'ble Supreme Court amounts to a violation of the constitutional rights to education of children in the ages of 0-6 and their right to food, health and life under Article 21 of the constitution.
24. **THAT** there is evidence in the form of research, studies, observations that this long closure of schools is leading to the aggravation of poor nutrition amongst children. Due to anganwadis

being closed, younger children are not getting their daily nutrition and school going children are not getting cooked mid-day meals. Even the food substitute for closure of schools was given by the Respondent State government only from December 2020 onwards. Malnutrition, Stunting has increased. For many children, the hot cooked mid-day meal provided in the school is the most important source of nourishment, hence the closure of schools amounts to a continued denial of hot cooked mid-day meal is infringement of the right to health, food and life of children guaranteed under Article 21 of the constitution and the provisions of the National Food Security Act 2013.

25. THAT children are losing touch with structured learning, which is possible in the school. As per studies, more than 80% of children are unable to access any online education or structured learning opportunities. Hence these children, many of whom belong to the poor and marginalized groups in society, are unable to access structured learning opportunities. Just as the deprivation of nutritious food stunts the physical growth of the children, depriving them of structured learning opportunities, stunts their physical, mental and intellectual development. This is directly contrarian to the aims of the RTE Act and deserves the intervention of this Hon'ble Court.

26. There is evidence that girls are being pressurized into early marriages. There is evidence that more children are getting into child labour and will drop out of schools, when they resume. The drop out risk increases with increasing period of closure. It will be a herculean task to ensure all children return to school and hence immediate resumption of schools is essential to address and reduce this harm.

27. It is submitted that while in March 2020, almost all economic activity barring most essential services were closed, however over last few months, most of these restrictions have been completely removed. Shops are fully open, factories are open, hotels and restaurants are open. Even theaters and swimming pools and gymnasiums are open. Public transport – train, bus, air travel has resumed. There is even the permitted opening of theatres, opening of swimming pools, malls, shops and business establishments and hence the continued closure of government schools for classes 1-8 has no basis and amounts to a denial of the right to education of children under Article 21, 21A of the constitution and the provisions of the RTE Act.

28. THAT when all economic activities have resumed, it is respectfully submitted that keeping primary schools closed is irrational, harmful, unscientific and goes against the best interest of children. Such

restriction on the physical classes deprives the children of their right to education and nutrition and a violation of their constitutional and legal rights.

29. THAT even the alternate day Vidyagama for classes 6-8 is inadequate for learning and the complete closure of classes 1-5 likewise deprives young minds of learning opportunities.
30. THAT cases of COVID-19 have been steadily declining since September 2020. The active caseload is declining, cases per day and fatalities per day are declining, across the country and across Karnataka. Vaccination drives have begun all over the country. Front line workers are being vaccinated first and the Respondent Government can even provide vaccination to school teachers on priority to increase the protection and start the reopening of schools in the interest of the children.
31. THAT all over the world primary schools are also being opened and even UNICEF, WHO and the CDC have approved of the re-opening of schools presently during the pandemic. Research has suggested that elderly are more vulnerable to the virus and children, especially young children are less susceptible to the virus. Keeping primary schools

closed, when the harm from closure, as explained, is very high, and the risk from opening is very low, is overall detrimental to the safety, security, health, nutrition, learning and development of children.

32. THAT the harm caused to children through continued school closure will have very serious and long term implications for our state and our country. **The** closure of all primary schools for children in Karnataka amounts to a violation of the right to education of the Petitioners' minor children guaranteed under Article 21A of the constitution which is a fundamental right under Article 21A and deserves the intervention of this Hon'ble Court.
33. **THAT** as held by the Hon'ble Supreme Court in ***Society for Unaided Private Schools v. State of Rajasthan*** (2012) 6 SCC 1, under Article 21A of the constitution, the State has to provide to all children by law the right to "free and **compulsory education**" and Article 21A contemplates the right to education to be child centric. The right to compulsory education means that no child will be deprived of her right to education until 14 years. Now, schools can be re-opened and by not reopening them, they are deprived of the education guaranteed under Article 21A to all children, is restricting and hindering the right to compulsory education of the children.

34. **THAT** it has been held in ***Mohini Jain v. State of Karnataka*** 1992 AIR 1858 that the "Right to life" is the compendious expression for all those rights which the Courts must enforce because they are basic to the dignified enjoyment of life. It extends to the full range of conduct which the individual is free to pursue. The right to education flows directly from the right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education and the State Government is under an obligation to endeavour to provide educational facilities at all levels to its citizens.
35. **THAT** the impugned order/note issued by the Respondent No. 1 is against the Petitioners' children's right to life as enshrined under Article 21 of the Constitution of India. The rights of children to access education forms part of the right to life as enshrined under Article 21 of the Constitution. This has been laid down by the Supreme Court in the case of ***Unni Krishnan and Ors. v. State of Andhra Pradesh and Ors.***, AIR 1993 SC 2178 wherein it was held that "*The citizens of this country have a fundamental right to education. The said right flows from Article 21. This right is, however, not an absolute right. Its content and parameters have to be determined in the light of Articles 45 and 41. In other words every child/citizen of this country has a right to free education until he completes the age of fourteen years. Thereafter his*

right to education is subject to the limits of economic capacity and development of the State".

36. The years of 0-14 for children are the most important for them to learn, and if deprived during this time from learning, it can have an impact that would last them from their entire lifetime. The importance of early childhood education and the role it plays in the building up a foundation for his or her development cannot be overstated. An early childhood education functions as an essential building block for a child's future success, providing a strong base for lifetime learning, including cognitive and social development. The importance and significance of the early childhood education in its overall development is well recognised and acknowledged in the National Education Policy 2020.
37. **THAT** the UN Convention on the Rights of the Child (UNCRC) that has been signed and ratified by India also mandates in Article 13 that States Parties shall ensure the child shall have the right to freedom of expression and that this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice. It also mandates in Article 28 that State Parties recognize the right of the child to education, and make primary education compulsory and available free to all. Keeping this in mind, the

government schools need to be re-opened so that the rights of the children are guaranteed and not violated.

PRAYER

WHEREFORE, in light of the facts of the present petition and grounds pleaded by the petitioners, it is humbly submitted that this Hon'ble Court be pleased to:

- A. Issue a Writ of Mandamus or any other Writ directing the Respondents to immediately pass necessary orders to fully and completely open all the government primary schools while deploying all the safety measures and social; distancing, hygiene, wearing masks, physical distancing, quarantining, testing and other measures as may be necessary;
- B. Issue a Writ of Mandamus or any other appropriate Writ directing the Respondents to declare the academic year 2020-21 till the end of June 30, 2021 to make up for the loss of learning and to ensure class-wise and subject-wise learning outcomes as prescribed under Rule 23(c)(d) of the RTE Rules 2010.
- C. Issue a Writ of Mandamus or any other appropriate Writ directing the Respondents to re-open Anganwadis as per the direction of the Hon'ble Supreme Court dated 13.1.2021 in W.P.(c) 1039 / 2020;

- D. Issue a Writ of Mandamus or any other appropriate Writ directing the Respondents to resume distribution of hot cooked Mid-Day Meals to students in the government schools.
- E. Pass any such order and/or direction which this Hon'ble Court deems fit in the facts and circumstances of the present case, in the interest of justice and equity.

PLACE: Bangalore

DATE: 03.02.2021

COUNSEL FOR PETITIONERS

ROHAN KOTHARI

Address for Service

D6, Dona Cynthia Apartments,
35 Primrose Road
Bangalore - 560 025

BEFORE THE HON'BLE HIGH COURT OF KARNATAKA, AT BANGALORE
IN

WP No. _____/2021

IN THE MATTER

Radha M and Ors.

...PETITIONER

AND

State of Karnataka and Ors.

...RESPONDENTS

VERIFYING AFFIDAVIT

I, Radha M, Aged about 32 years, W/o, V Kumar R/o Bannikuppe(B), Bidadi Hobli, Ramanagara Taluk and District, Ganakal Post, Karnataka 562109, do hereby state and affirm on oath as follows:

1. I state that I am the Petitioner No. 1 in the accompanying Petition. I know the facts of the case, Hence I am competent to swear to this affidavit.
2. I state that all the contents of paragraphs 1 to ___ of the accompanying Petition are true to the best of my knowledge, information and belief.
3. I submit that the Annexure A to _____ annexed to the accompanying application are originals or true copies of their originals.

IDENTIFIED BY ME

ADVOCATE

Place: Bangalore

Date:

Radha M
DEPONENT

SWORN TO BEFORE ME

BEFORE THE HON'BLE HIGH COURT OF KARNATAKA, AT BANGALORE

IN

WP No. _____/2021

IN THE MATTER

Radha M and Ors.

...PETITIONER

AND

State of Karnataka and Ors.

...RESPONDENTS

VERIFYING AFFIDAVIT

I, Chikkanna N, Aged about 43 years, S/o T Nagappa, R/o Thondebhavi Railway Station, Thondebhavi Post, Gouribidhanur Taluk, Chikkaballapura District, Karnataka 561213, do hereby state and affirm on oath as follows:

1. I state that I am the Petitioner No. 2 in the accompanying Petition. I know the facts of the case, Hence I am competent to swear to this affidavit.
2. I state that all the contents of paragraphs 1 to ___ of the accompanying Petition are true to the best of my knowledge, information and belief.
3. I submit that the Annexure A to _____ annexed to the accompanying application are originals or true copies of their originals.

IDENTIFIED BY ME

ADVOCATE

Place: Bangalore

Date:

N. Chikkanna
DEPONENT

SWORN TO BEFORE ME

BEFORE THE HON'BLE HIGH COURT OF KARNATAKA, AT BANGALORE

IN

WP No. _____/2021

IN THE MATTER

Radha M and Ors.

...PETITIONER

AND

State of Karnataka and Ors.

...RESPONDENTS

VERIFYING AFFIDAVIT

I, Gangaraju TL, Aged about 37 years, S/o Lakshmi Narasappa, R/o Thondebhavi Village and Post, Gouribidhanur Taluk, Chikkaballapura District Karnataka 561213, do hereby state and affirm on oath as follows:

1. I state that I am the Petitioner No. 3 in the accompanying Petition. I know the facts of the case, Hence I am competent to swear to this affidavit.
2. I state that all the contents of paragraphs 1 to ___ of the accompanying Petition are true to the best of my knowledge, information and belief.
3. I submit that the Annexure A to _____ annexed to the accompanying application are originals or true copies of their originals.

IDENTIFIED BY ME

ADVOCATE

Place: Bangalore

Date:

Gomgoboru

DEPONENT

SWORN TO BEFORE ME