

Most Urgent

No. EDN-H (Ele)(4)4-46/2015-RTE(vol-II)--
Directorate of Elementary Education
Himachal Pradesh
Dated: Shimla-171001, the

April, 2017

To

All the Deputy Directors (Elementary Education)
Himachal Pradesh.

Subject: -

Inclusion of HIV affected children within definition of "child belonging to Disadvantaged Group as defined under Section 2(d) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009.

Sir,

Please find enclosed herewith the photocopy of Letter No. EDN-C-E)3)12/2016 Dated 18-04-2017 alongwith its enclosures received from the Principal secretary (Education) to the Government of Himachal Pradesh on the subject cited above.

In this context, this is to inform you that the Hon'ble Supreme Court has ordered that all children living with or affected by HIV, need to be notified as belonging to a disadvantaged group under Section 2(d) of the RTE Act, 2009.

In view of the above you are hereby directed to take appropriate further necessary action in the matter as per the direction of the Hon'ble Supreme Court under intimation to this Directorate.

Endst No:- Even, Dated: Shimla-1, the
Copy for information and necessary action to:-

1. Principal Secretary (Education) to the Government of Himachal W.r.t above Referred Letter
2. The Director, Health Services HP Cum-Project Director Himachal Pradesh State AIDS control Society Hari Villa Near Forest Rest House Khilini Shimla-2.
3. The State Project Director (SSA/RMSA) Himachal Pradesh Shimla-1
4. Incharge IT Cell Directorate of Elementary Education Shimla-1 for uploade on the official website.
5. Guard file.

प्रारम्भिक शिक्षा निदेशालय
Director 21 APR 2017
April, 2017.
शिमला-1

Director

20/04/17

No. EDN-C-E(3)12/2016
Government of Himachal Pradesh
Elementary Education Department

From

.....
The Pr. Secretary (Education) to the
Government of Himachal Pradesh.

To,

The Director of Elementary Education,
Himachal Pradesh, Shimla-171001.

Dated, Shimla-171002,

18-4-2017

Subject :-

Inclusion of HIV affected children within definition of "child belonging to Disadvantaged Group" as defined under Section 2(d) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009.

Sir,

I am directed to invite your attention towards letter No.HPSACS/IEC/Misc/14/V dated 11-04-2017 received from the Director Health Services, HP-cum-Project Director, HPSACS, Shimla addressed to you ~~and~~ to enclose herewith photocopy of letter F.No.1-1/2017-EE-4 dated 06-04-2017 received from the Director, Government of India, Ministry of Human Resource Development, Department of School Education & Literacy Shastri Bhawan, New Delhi on the subject cited above ~~to~~ say that matter may please be examined and necessary appropriate action be taken as desired by GOI's above referred letter immediately.

Yours faithfully,

(Ved Bhushan Sugyan)

Deputy Secretary (Ele. Edu.) to the
Government of Himachal Pradesh
Phone No. 0177-2628929, 2880877

Endst. No: As above

Dated: Shimla-171002, the

Copy is forwarded to the Director Health Services, HP-cum-Project Director, HPSACS, Shimla w.r.t. his above referred letter for information.

(Ved Bhushan Sugyan)

Deputy Secretary (Ele. Edu.) to the
Government of Himachal Pradesh
Phone No. 0177-2628929, 2880877

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**MOST URGENT**

F.No.1-1/2017-EE-4
Government of India
Ministry of Human Resource Development
Department of School Education & Literacy
EE-4 Section

Room No.130-C, Shastri Bhawan,
New Delhi, dated the 6th April, 2017.

To

Education Secretaries of all States (except Jammu & Kashmir)
and Union Territories (having legislature).

**Subject: Inclusion of HIV affected children within definition of
"child belonging to Disadvantaged Group" as defined
under Section 2(d) of the Right of Children to Free
and Compulsory Education (RTE) Act, 2009.**

Sir/Madam,

I am directed to refer to the order dated 31.03.2017 of the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 147/2014 on the issue of HIV affected children (copy enclosed).

2. The Hon'ble Supreme Court has ordered that all children living with or affected by HIV, need to be notified as belonging to a disadvantaged group under Section 2(d) of the RTE Act, 2009 within four weeks of the order.

3. In this regard, you are requested to take appropriate action as per the directions of Hon'ble Supreme Court and issue suitable notification under intimation to this Department.

Encl: as above.

Yours faithfully,

(Surbhi Jain)

Director

Tel.: 23387211

e-mail: surbhi.jain@nic.in

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~~US(EE)~~

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So(EE)

Tya

Sh upadhar

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 147/2014

NAZ FOUNDATION (INDIA) TRUST

Petitioner(s)

VERSUS

U.O.I & ORS

(with appln. (s) for directions and exemption from filing O.T. and office report)

Respondent(s)

Date : 31/03/2017 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Anand Grover, Sr.Adv.
Ms. Tripti T., Adv.
Ms. L. Mirauith, Adv.
Ms. Shrinidhi Rao, Adv.
Mr. Mukesh Kumar Singh, Adv.
For Mr. Purushottam Sharma Tripathi, Adv.

For Respondent(s) Mr. P.S. Patwalia, ASG
Mr. Ashok K. Srivastava, Adv.
Mr. T.A. Khan, Adv.
Mr. Rajat Singh, Adv.
Mr. Gurmeet Singh Makker, Adv.

Mr. Edward Belho, AAG
Mrs. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Mr. K. Luikang Michael, Adv.
Ms. Elix Gangmei, Adv.
Mr. Z.H. Isaac Haiding, Adv.

Mr. C.D. Singh, AOR
Mr. Prateek Rusia, Adv.
Ms. Sakshi Kakkar, Adv.

Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Mr. Amit Arora, Adv.
For Arputham Aruna & Co.

S.Biswajit Meitei, Adv.
Mr. Ashok Kumar Singh, Adv.

Signature Not Verified
Digitally signed by
SONALI SAKHND
Date: 2017.04.03
17:04:17 IST
Reason:

(4)

Mr. Siddhesh Kotwal, Adv.
Ms. Shreya B., Adv.
Mr. Raghunatha Sethupathy, Adv.
For Mr. Nishant Ramakantrao Katneshwarkar, Adv

Mr. Guntur P., Adv.
Ms. Prerna Singh, Adv.

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Ms. Nithya, Adv.
Mrs. Maha Lakshmi, Adv.
Mr. Partha Sarathi, Adv.

Mr. Balaji Srinivasan, Adv.

Mr. G. N. Reddy, Adv.

Mr. Kamal Mohan Gupta, Adv.
Mr. Kuldip Singh, Adv.

Mr. Parijat Sinha, Adv.
Mr. P. V. Yogeswaran, Adv.

Mr. Samir Ali Khan, Adv.

M/s Arputham, Adv.

M/s Corporate Law Group

Ms. Liz Mathew, Adv.
Ms. Pragati Neekhara, Adv.

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

Certain Rights accrue to all children under the Right of Children to Free and Compulsory Education Act, 2009. Certain additional rights also accrue to children under the above Act, if they are declared as belonging to a disadvantaged group, by a notification issued by any individual State Government, under Section 2(d) of the above Act.

We are informed that 11 States and 1 Union Territory have issued such notifications, declaring children living with or affected by HIV, as belonging to a disadvantaged group.

We are of the prima facie view, that State Governments need to consider the issuance, so as to include children living with or affected by HIV, to be notified as belonging to a disadvantaged group under Section 2(d), within four weeks from today. Ordered accordingly.

Such of the State Governments as are unwilling to voluntarily issue a notification as aforementioned, may file an affidavit before this Court, within four weeks, indicating the reasons why they consider it unnecessary to issue such a notification.

Respondent No. 1 shall communicate the instant order to all Secretaries in States of the Department of School Education within week from today.

Post for hearing after four weeks.

(SONALI SAUND)
SR.P.A

(RENUKA SADANA)
ASSISTANT REGISTRAR