



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Spl. Appl. Writ No. 987/2023

1. State Of Rajasthan, Through Principal Secretary, School Education, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan-302005.
2. Director, Elementary And Secondary Education, Near Lalgargh Palace, Samta Nagar, Bikaner, Rajasthan.

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Versus

1. Managing Committee, Shah Goverdhan Lal Kabra Gyan Peeth, Paota A Road, Jodhpur Through Its Secretary Devyani Kabra D/o Basant Kabra, Aged About 40 Years C/o Shah Goverdhan Lal Kabra Public School Paota A Road, Jodhpur.
2. Union Of India, Through Secretary, Ministry Of Human Resources Development, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi.

----Respondents

Connected With

D.B. Spl. Appl. Writ No. 1012/2023

1. State Of Rajasthan, Through Principal Secretary, School Education, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan 302005.
2. Director, Elementary Education And Secondary Education, Near Lalgargh Palace, Samta Nagar, Bikaner, Rajasthan.

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Versus

1. Shri Mahalaxmi Shikshan Sansthan, E- Sector, Pratap Nagar, Jodhpur, Rajasthan Through Secretary Shri Anurag Lohiya S/o Shri Damodar Das Ji Lohiya
2. Union Of India, Through Ministry Of Human Resources Development, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi.

----Respondent



D.B. Spl. Appl. Writ No. 16/2024

1. State Of Rajasthan, Through The Principal Secretary, School Education, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. Director, Elementary Education, Near Lalgah Palace, Samta Nagar, Bikaner, Rajasthan.

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Versus

Juniors Zone School, Through Its Principal Smt Manju Patel Wo Shri Dharmendra Patel Aged About 42 Years Address 1415 Aanjana Patel Nagar Air Force Jodhpur Rajasthan

----Respondent

D.B. Spl. Appl. Writ No. 139/2024

1. State Of Rajasthan, Through The Secretary, School Education Department, Government Of Rajasthan, Jaipur, Rajasthan.
2. Director, Elementary Education, Government Of Rajasthan, Bikaner, Rajasthan
3. Director, Secondary Education, Government Of Rajasthan, Bikaner, Rajasthan.
4. District Education Officer, Jodhpur At Club Road, Jodhpur.

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Versus

Apex Senior Secondary School, Jodhpur, Add-3/9, Kudi Bhagtasani Housing Board Jodhpur Rajasthan (Through The President Of Apex Education Society Ramniwas Choudhary S/o Pyare Lal Ji, Age 51 Add G-68, Parsvnath City, Pal Sangariya Bye-Pass Sangariya, Jodhpur.)

----Respondent

D.B. Spl. Appl. Writ No. 140/2024

1. State Of Rajasthan, Through Its Secretary, School Education Department, Government Of Rajasthan, Jaipur, Rajasthan.
2. Director, Elementary Education, Government Of Rajasthan, Bikaner, Rajasthan.
3. Director, Secondary Education, Government Of Rajasthan, Bikaner, Rajasthan.





4. District Education Officer, Jodhpur At Club Road, Jodhpur.
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Versus

1. Delhi Public Upper Primary School, A-21, 1St Extension, Kamla Nehru Nagar, Jodhpur.
2. Ace International School, Opposite Khaas Baag Police Line Jodhpur Through Bhupendra Singh So Ghanshyam Singh Rathore Age About 40 Years Ro Ganthiya House Rasala Road Prithipura Jodhpur Rajasthan (Chairperson Of The Gayatri Technical Education Trust)

-----Respondents

D.B. Spl. Appl. Writ No. 229/2024

1. State Of Rajasthan, Through The Secretary, School Education Department, Government Of Rajasthan, Jaipur, Rajasthan.
2. Director, Elementary Education, Government Of Rajasthan, Bikaner, Rajasthan.
3. Director, Secondary Education, Government Of Rajasthan, Bikaner, Rajasthan.
4. District Education Officer, Jodhpur At Club Road, Jodhpur.

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Versus

Mayoor Chopasani School, Add. Chopasani Campus, Jodhpur. (Through The Member Of Administrative Wing, Authorized By The Principal Of Mayoor Chopasani School Under The Chopasani Shiksha Samiti (Registered Society), Mohd Farooque Khan S/o Faizu Khan Age 52 Add 28, In Front Of Nagar Nigam Officer Baldev Nagar, Aakhaliya Choraha, Jodhpur, Rajasthan.

-----Respondent

D.B. Spl. Appl. Writ No. 408/2024

1. State Of Rajasthan, Through Principal Secretary, School Education, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan 302005.
2. Director, Elementary And Secondary Education, Near Lalgargh Palace, Samta Nagar, Bikaner, Rajasthan.

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Versus





1. Saint D Public Secondary School, Ali-Bhilwara Road, Mandal, Bhilwara-311403, Rajasthan Through Secretary Mr. Chandra Prakash Deedwaniya S/o Shri Ram Lal Didwaniya, Aged 51 Years.
2. Vaidic Academy Secondary School, Near Panna Dhai Circle, Azad Nagar, Bhilwara Through Its Principal Mrs. Kamlesh Kumari Jangid S/o Shri Kamlesh Kumar Jangid, Aged 39 Years.
3. Dhruv Education Academy, Potla, Teh Sahada, Dist Bhilwara Through Secretary Mr. Mahesh Kumar Sharma W/o Shri Ram Chandra Sharma, Aged 42 Years.
4. Gurukul Shikshan Sansthan, Secondary School, Near Vat Vriksha, Uncha, Teh Jahazpur, Bhilwara Through Secretary Mr. Yogesh Kumar Soni S/o Shri Purshottam Lal Soni, Aged 42 Years.
5. Capital Public Secondary School, Bigod, Teh Mandalgarh, Bhilwara Through Its Secretary Mrs. Swetlana Saraswat W/o Shri Rajiv Saraswat, Aged 45 Years.
6. Shree Maharshi Gautam Vidhya Mandir, Devli Road, Pur, Bhilwara Through Secretary Girish Kumar Vyas S/o Shri Suresh Chandra Vyas, Aged 42 Years.
7. A S Steward Morris School, New Irans, Kota Road, Bhilwara Through Secretary Amit Tak S/o Shri Harish Chandra Tak, Aged 47 Years.
8. A S Steward Morris Infants, Pathik Nagar, Bhilwara Through Secretary Amit Tak S/o Shri Harish Chandra Tak, Aged 47 Years.
9. Ibvm Kids International School, Ramdwara Marg, Bhilwara Through Its Principal Mrs. Divyam Jain W/o Shri Rajiv Jain, Aged 29 Years.
10. Ibvm Kids International School, Pur, Bhilwara Through Its Principal Mrs. Divyam Jain W/o Shri Rajiv Jain, Aged 29 Years.
11. Vidya Global School, Teli Khera Tiraha, Paldi, Near Rc Colony, Bhilwara Through Its Secretary Mrs. Geeta Choudhary W/o Shri Ashok Kumar Choudhary, Aged 60 Years.
12. M S Xavier International School, R.k. Colony Near Jain Mandir, Bhilwara Through Its Secretary Ms. Neetu Sharma





W/o Shri Manoj Sharma, Aged 47 Years.

13. The Vedant International School, The Vedant House, Azad Mohalla, Behind Sham Ki Sabzi Mandi, Bhilwara Through Its President Mr. Ajay Kumar Bhandari S/o Shri Satish Chandra Bhandari, Aged 43 Years.
14. St. A.r.b S School, Dev Narayan Circle, Patel Nagar Bhilwara Through Its Principal Mr. Manoj Johri S/o Shri P. D. Johari, Aged 55 Years.
15. Shri Mahesh Public School, Nehru Road, Opposite Bsnl Office, Bhilwara Through Secretary Mr. Rajendra Kumar Kacholiya S/o Shri Shankar Lal, Aged 54 Years.
16. Maheshwari Public School (Girls), Behind Ram Dham, Azad Nagar, Bhilwara Through Secretary Mr. Rajendra Kumar Kacholiya S/o Shri Shankar Lal, Aged 54 Years.
17. The Prince School, Biliya Khurd, Bhilwara Through Secretary Rekha Jain S/o Shri Manoj Jain, Aged 48 Years.
18. Arunodaya Public School, Subhash Nagar, Bhilwara Through Secretary Mr. Puran Prakash Joshi S/o Shri Brij Mohan Joshi, Aged 54 Years.
19. Aryavrat International Secondary School, F-463, New Bapu Nagar, Bhilwara Through Its Principal Satya Dev S/o Shri Gopal Lal, Aged 30 Years.
20. Sunrise Shikshan Sansthan, Pander, Jahazpur, Bhilwara Through Its Secretary Mr. Ram Swaroop Gurjar S/o Shri Ladu Lal Gurjar, Aged 40 Years.
21. Saraswati Vidya Niketan (Svn), Public Secondary School, Karera-Raipur Road, Borana, Teh Raipur, Bhilwara Through Its Secretary Mr. Bhanwar Lal Kumawat S/o Shri Babu Lal Kumawat, Aged 39 Years.
22. Saint D Public School, Mod Ka Nimbahera, Teh Asind, Bhilwara Through Secretary Mr. Chandra Prakash Deedwaniya S/o Shri Ram Lal Didwaniya, Aged 51 Years.
23. Saint D Public School, Luhariya, Teh Mandal, Bhilwara Through Secretary Mr. Chandra Prakash Deedwaniya S/o Shri Ram Lal Didwaniya, Aged 51 Years.
24. Tilak Academy (Ups), 10 A 13, Tilak Nagar, Bhilwara Through Its Principal Mr. Vinod Kumar Mundra S/o Shri Satya Narayan Mundra, Aged 42 Years.





25. Genius Public School, Singoli Charbhujia, Bhilwara Through Its Secretary Mr. Nirmal Kumar Mundra S/o Shri Debi Lal Mundra, Aged 42 Years.
26. Lakshya Vidya Niketan School, Koshithal, Teh Sahada, District Bhilwara Through Secretary Mr. Rajendra Kumar Parashar S/o Shri Sohan Lal Parashar, Aged 40 Years.
27. Alok Central School, Shahpura, Bhilwara Through Secretary Mr. Virendra Kumar Sharma S/o Shri Devendra Kumar Sharma, Aged 53 Years.
28. Alok Central Secondary School, Shahpura, Bhilwara, Through Secretary Ms. Usha Sharma W/o Shri Virendra Kumar Sharma, Aged 51 Years.
29. Shri Nandani School Of Excellence, Sector F, Vijay Singh Pathik Nagar, Bhilwara, Through Secretary Mr. Suresh Chandra Sharma S/o Shri Banshi Lal Sharma, Aged 49 Years.
30. Noble International School, Kuwada Road, Bhilwara, Through Its Principal Mr. Sanjeev Parashar S/o Shri Sadashiv Parashar, Aged 48 Years.
31. Noble Public Secondary School, Near Dussehra Ground, Kotri, Bhilwara Through Secretary Mr. Umesh Vaishnav S/o Shri Kunj Bihari Vaishnav, Aged 49 Years.
32. Abhigyan U.p. School, Subhash Nagar, Bhilwara, Through Secretary Mr. Satyanarayan Bhatt S/o Shri Amba Lal Bhatt, Aged 50 Years.
33. The Vedant International School, The Vedant House, Azad Mohalla, Behind Sham Ki Sabzi Mandi, Bhilwara Through Its President Mr. Ajay Kumar Bhandari S/o Shri Satish Chandra Bhandari, Aged 43 Years.
34. Yash Academy U.p. School, Maruti Colony, Bhilwara, Through Secretary Mr. Mahaveer Varma S/o Shri Hardev Varma, Aged 44 Years.
35. Gautam Public Secondary School, Malola Road, Gayatri Nagar, Bhilwara Through Secretary Mr. Kamal Kishore Vyas S/o Shri Jai Mangal Vyas, Aged 44 Years.
36. Adarsh Vidya Bharti School, Suwana, Bhilwara Through Secretary Mr. Shanker Lal Kaswa S/o Shri Jawana Lal Kaswa, Aged 52 Years.
37. Sai Siddharth Senior Secondary School, Mandalgarh,





Bhilwara Through Secretary Mr. Shiv Ghiya S/o Shri Kishan Gopal Ghiya, Aged 52 Years.

38. Aditya Bal Vidya Mandir, Secondary School, E/661-662, Near Shiv Mandir, Vijay Singh Pathik Nagar, Bhilwara Through Secretary Mr. Sanjay Sharma S/o Shri Udai Ram Sharma, Aged 49 Years.
39. Apex International School, Subhash Nagar, Bhilwara, Through Secretary Mr. Satyanarayan Bhatt S/o Shri Amba Lal Bhatt, Aged 50 Years.
40. Sh Surbhi Shikshan Sansthan, English Middle School, Sector A- 368-369, Azadnagar, Bhilwara Through Secretary Mr. Kamlesh Sharma S/o Shri Brij Mohan Sharma, Aged 47 Years.
41. A One Technomind School, Shahpura, Bhilwara Through Secretary Mr. Jagdish Singh S/o Shri Samundra Singh, Aged 34 Years.
42. Sanskar School Of Excellence, Sanganer Road, Bhilwara Through Its Secretary Mrs. Ankita Sharma D/o Shri Rajendra Sharma, Aged 43 Years.
43. Indus Valley International School, Sanganer Road, Kanchan Vihar, Bhilwara Through Its Secretary Braj Mohan Sharma S/o Shri Gajadhar Sharma, Aged 38 Years.
44. As Saint Edward International School, Vakil Colony, Mandalgarh, Bhilwara Through Its Principal Mrs. Swetlana Saraswat W/o Shri Rajiv Saraswat, Aged 45 Years.
45. Shri Saraswati Bal Vidhya Mandir, Pansal, Bhilwara Through Secretary Mr. Vikas Chandra Sharma S/o Shri Bhanwar Lal Sharma, Aged 38 Years.

-----Respondents

For Appellant(s)	:	Mr. Rakesh Sharma Mr. Ayush Gehlot for Mr. Rajesh Panwar, Sr. Adv. with AAG
For Respondent(s)	:	Mr. D.D. Chitlangi, Mr. Manish Patel Ms. Laxmi Rathore

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA





16/01/2026

Learned counsel for the parties are in agreement that the controversy involved in the present batch of Special Appeals is squarely covered by a judgment rendered by Division Bench of this Court in batch of Special Appeals led by **D.B. Special Appeal Writ No. 738/2023 (Rukmani Birla Modern High School vs. State of Raajsthan & Ors.)**, decided on 08.01.2026 in the following terms :-

"43. Therefore, we are of the view that the circular issued by the State subsequently allowing admission at the Pre Primary level apart from at Class-I level is the correct approach. We further notice that learned Single Judge has reduced the level of admission only to one year, i.e., PP3 level apart from Class-I. However, we are of the considered view that if the students are being admitted at PP1, PP2 and PP3 levels, the State department has to proceed for admitting 25% students at the first initial stage of school admission whether it is PP1, PP2 and PP3. Once 25% students from the marginalized and weaker sections of the society have been admitted in the schools at any of the levels and thereafter come to Class-I, the concerned respective schools need not again admit 25% students separately. However, if the percentage of children coming from marginalized and weaker sections of the society is found to be less than 25% at Class-I level, the concerned school would be bound to admit additional students from marginalized communities so that at the level of Class-I, 25% of the total strength of the class belongs to such marginalized students. It is only then the purpose of the [RTE Act](#) would be subserved.

44. We, therefore, uphold the judgment passed by the learned Single Judge to the aforesaid extent and also dispose of the PIL with the direction that the schools, which fall in Sub-clause (iii) and (iv) of Clause (n) of [Section 2](#) of the RTE Act, shall admit children belonging to marginalized and weaker sections of the society from the neighbourhood upto 25% of the total strength of the class at Pre School stage, i.e., PP1, PP2 and PP3. If the schools only have one PP1 stage and thereafter Class-I they would provide the said reservation upto Class-I. The percentage of 25% of students from weaker sections and disadvantaged groups in the neighbourhood shall continue to be maintained at all levels. Thus, if there are 100





students admitted in the school, 25 students would be from the weaker sections and disadvantaged groups. If the school has PP2 and PP3 classes, the same percentage would be maintained for 100 students accordingly. Similarly, if at Class-I level the total strength of the students increase to total 200, then additional 25% would be again admitted from the said group of weaker sections and disadvantaged groups from the neighbourhood. The appropriate Government shall, accordingly, issue the circulars.

45. One of the contentions raised by the learned counsel appearing for the schools is that the State Government has only recognized classes from Class-I onwards and there is no such recognition for the Pre Primary Classes. However, the argument is without force. The recognition of the school education was made for the purpose of establishment of the school and may be from the elementary level alone but it cannot be denied even at the PP1, PP2 and PP3 level. The admissions have to be regularized and cannot be un-channeled. The children from the weaker sections and disadvantaged groups ought not to be deprived of Pre Primary education. It need not be highlighted that as the country is progressing, the IQ level of children has increased and if children are deprived to learn at the Pre Primary stages, they may continue to remain behind those who are belonging to the well established higher societies. The very purpose of the [RTE Act](#) would be defeated, if students of the weaker sections and disadvantaged groups are made to be admitted only at Class-I level as they have a disadvantageous position compared to other children who have already studied in the Pre Primary Classes.

46. We therefore, dismiss the special appeals and dispose of the PIL with the aforesaid directions.

47. All pending applications also stand disposed of".

In view of the above, the present appeals are also disposed of in light of the judgment rendered in *Rukmani Birla Modern High Court's* case (supra).

(CHANDRA SHEKHAR SHARMA),J

(VINIT KUMAR MATHUR),J

124-SanjayS/-

