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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12272/2023**

SOCIAL JURIST, A CIVIL RIGHTS GROUP Petitioner

Through: **Mr. Ashok Agarwal, and Mr. Manoj Kumar, Advocates**

versus

MUNICIPAL CORPORATION OF DELHI & ORS.

..... Respondents

Through: **Mr. Kirtiman Singh, CGSC with Mr. Waize Ali Noor, Ms. Vidhi Jain and Ms. Shreya V. Mehra, Advocates for UOI**

Ms. Beenashaw N. Soni, SC, MCD with Ms. Mansi Jain, Advocate for R-1 and 2

Mr. Chandra Prakash, Advocate for R-3

Mr. Ramesh Babu MR with Ms. Nisha Sharma, Ms. Manisha Singh and Ms. Tanya, Advocates for R-4/RBI

Mr. Santosh Tripathi, Standing Counsel with Mr. Arun Panwar, Mr. Pradyuman Rao, Mr. Utkarsh Singh, Mr. Kartik Sharma, Ms. Prashansa Mr. Rishabh and Ms. Nikita, Advocates, for GNCTD/R-5.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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12.01.2024



1. The present Petition being a Public Interest Litigation (PIL) has been filed on the account of the non-disbursal of the cash benefits to certain students studying in Respondent No. 2 School. The details of the concerned students have been set out in paragraph 8 of this petition.
2. In the year 2018, the Central Government, Ministry of Education launched the Samagra Shiksha Scheme ('Scheme') as an integrated scheme for school education applicable from pre-primary to senior secondary classes. This Scheme is implemented as a Centrally Sponsored Scheme by the concerned Department through single State Implementation Societies (SIS) at the State/UT level. The Scheme treats school education as a continuum and is in accordance with Sustainable Development Goal for Education (SDG-4). The Scheme not only provides support for the implementation of the Right of Children to Free and Compulsory Education Act, 2009 but has also been aligned with the recommendations of National Education Policy, 2020 to ensure that all children have access to quality education with an equitable and inclusive classroom environment which should take care of their diverse background, multilingual needs, different academic abilities and make them active participants in the learning process.
3. In the facts of this case, the reason for the non-disbursal of the cash benefits (admissible under the Scheme) to these students is on the account of the fact that these students do not have any bank accounts in their names that would enable the transfer of funds/cash benefits to their respective bank accounts. The students are children of Afghanistan refugees and are foreign nationals and are therefore unable to open a bank account in their names.
4. The Indian Overseas Bank (IOB)/Respondent No. 3 and Reserve Bank of India (RBI)/ Respondent No. 4 have explained the difficulty in



opening of bank accounts in the name of these students.

5. Keeping in mind the aforesaid situation, all the parties herein have agreed upon the following course of action for disbursement of funds/cash benefits to these forty—six (46) students, so as to achieve the object of the Scheme: -

- (i) The funds/monies shall be transferred by the Government of NCT of Delhi to the bank account of the Respondent No. 2 School i.e. MCD Primary School, Jangpura Extension, New Delhi-110014 (School Id: 1958020). The details of the bank account of the school are as under: - Account No. - 0147000108096367 and the authorized signatory of the said bank account is the Principal of the Respondent No. 2 School.
- (ii) The Principal, MCD Primary School, Jangpura Extension, New Delhi - 110014 shall issue 'bearer cheque' in the name of the concerned student.
- (iii) Parents of the concerned student holding the 'bearer cheque' issued by the Principal, MCD Primary School, Jangpura Extension, New Delhi - 110014 shall be entitled to encash the said bearer cheque from Indian Overseas Bank, Masjid Road, Bhogal, Jangpura, Delhi- 110014/ Respondent No. 3.
- (iv) The Indian Overseas Bank, Masjid Road, Bhogal, Jangpura, Delhi-110014/ Respondent No. 3 shall ensure that the bearer cheque presented to it by the parents of the concerned student is encashed/honoured.



6. With the aforesaid agreed directions, the present petition along with the applications is disposed of with the consent of the parties.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 12, 2024/hp/MG

Click here to check corrigendum, if any