



RAJASTHAN HIGH COURT

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

सत्यमेव जयते

S.B. Civil Writ Petition No. 821/2024

Victim

----Petitioner

Versus



1. State Of Rajasthan, Through Principal Secretary, Department Of Medical And Health, Government Secretariat, Jaipur, Raj.
2. Superintendent Of Police, Jaipur Rural, District Jaipur.
3. Station House Officer, Police Station Shahpura, Jaipur Rural, District Jaipur (Raj.)
4. The Director, Women And Child Development Organisation, Jaipur (Raj.)
5. Superintendent, Nari Niketan (Women Homes), District Jaipur (Raj.)
6. The Director, Social Justice And Empowerment Department, Jaipur (Raj.)

----Respondents

For Petitioner(s) : None present
For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

25/04/2025

1. Matter comes up on three letters dated 26.11.2024, 24.01.2025 and 17.02.2025, written by the Superintendent, Government Balika Grah, Gandhinagar Jaipur requesting this Court to permit the victim child to study in Class-III.
2. This Court while deciding S.B. Civil Writ Petition No.821/2024 vide order dated 17.01.2024 passed the following order and directions in para 14, which reads as under:



"14. Considering the overall facts and circumstances of the case, instant petition stands disposed of with the following directions:-

(i) The respondents are directed to admit the petitioner in Government Balika Grah on 19.01.2024 and they are further directed to provide all necessary care, nutritious food and medical attendance to the petitioner before and after delivery. The Superintendent of Home is further directed to allow the petitioner to remain there till the age of her attaining majority and provide her all facilities including education etc till the date of her attaining majority.

(ii) Additional Chief Secretary, Department of Medical Health and Secretary, Department of Women and Child Development are directed to provide a female nursing attendant at Balika Grah for taking care of the petitioner till her safe delivery.

(iii) Superintendent of Mahila Chikitsalya, Sanganeri Gate, Jaipur is directed to ensure that all medical facilities are made available to the petitioner before and after delivery of the petitioner without payment of any fee, charges or expenses of any nature and to ensure that the delivery takes place in a safe environment.

(iv) The privacy of the petitioner would be maintained at all stages and the identity of the petitioner should not be disclosed in the course of hospitalization, treatment and admission in Balika Grah.

(v) The child, on birth, may be handed over to the Child Welfare Committee of Jaipur and the petitioner shall fulfill all necessary documentation through her natural guardian and all formalities as may be so required in law for handing over custody of the child to the Child Welfare Committee.

(vi) The Child Welfare Committee, Jaipur shall take care of all the needs and facilities of the child.

(vii) The petitioner would not have any objection, in case the said child is given in adoption by the State agency to willing





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parents in accordance with law. Permission is thus granted for giving the child in adoption to the willing parents, in accordance with law.

(viii) The aforesaid directions would not prejudice any of the rights and entitlement of the petitioner under applicable policies and guidelines for financial assistance and rehabilitation.

(ix) The Superintendent of Mahila Chikitsalya, Sanganeri Gate, Jaipur is further directed to retain the tissue, cord and blood sample of fetus preserved for the purpose of DNA analysis by Forensic Science Laboratory (FSL) and the same be handed over to the Investigating Officer as and when required.

(x) The Rajasthan State Legal Services Authority (RSLSA) as well as District Legal services Authority (DLSA), Jaipur are directed to pay suitable amount of compensation to the petitioner victim in terms of the provisions contained under the Rajasthan Victim Compensation Scheme, 2011 within a period of three months from the date of receipt of certified copy of this order and the amount of compensation be kept in Fixed Deposit in the name of the victim till the time of her attaining the age of majority.

(xi) The Superintendent of Police, Jaipur Rural is directed to monitor the entire process and make all possible efforts to ensure compliance of the orders passed by this Court.

(xii) The Child Protection Officer having jurisdiction is directed to visit the victim at Balika Grah on regular basis to ensure that all the directions issued by this Court are being complied with."

3. Considering the overall facts and circumstances and looking to the family condition of the petitioner-victim that there was no-one to take care of her, this Court deemed it just and proper to pass the above order to admit the victim child in Balika Grah till attaining the age of majority and the Superintendent,





Balika Grah, Jaipur and other staff posted there were directed to take proper care of the petitioner by providing her all kind help like nutritious food, medical care and all other assistance required. It appears that after passing of the aforesaid order, the victim has given birth to a child and the same has been handed-over to Central Adoption Resource Authority (for short 'CARA') for the purpose of adoption and now the victim wants to study in order to make a career in future. At present the age of the victim is around 11 years.

4. Right to Education is the fundamental right of every child. The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

Article 21-A and the RTE Act came into effect on 1st April 2010. The title of the RTE Act incorporates the words 'free and compulsory'. 'Free education' means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. 'Compulsory education' casts an obligation on the



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appropriate Government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age group. With this, India has moved forward to a rights based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in the Article 21A of the Constitution, in accordance with the provisions of the RTE Act.

5. Girl education in India has been a topic of great importance for many years. Education is considered one of the most important tools for empowering girls and women, and it can potentially transform their lives and that of their families and communities. Despite significant progress in recent years, girls in India still face many challenges when accessing education, and many are unable to attend a school or complete their education.

The importance of girl education in India lies in its ability to address several social issues such as poverty, gender inequality, child marriage, and population growth. Education can help girls develop critical thinking skills, improve their economic prospects, and empower them to make informed life decisions. Educated girls are more likely to delay marriage and childbirth, leading to better health outcomes for themselves and their children. They are also more likely to contribute to their family's income and help break the cycle of poverty.

Despite the benefits of girl education, many challenges remain in India. Girls are often expected to prioritize household chores and marriage over education, and many families cannot



afford to send their daughters to school. Additionally, there is a significant gender gap in education, with girls lagging behind boys in enrollment, completion rates, and literacy.

The Indian government and non-governmental organizations are making efforts to increase access to education for girls, and progress has been made in recent years. However, there is still a long way to go to ensure that every girl in India can receive a quality education and realize her full potential.

6. No child shall be liable to pay fees and charges that prevents him/her for pursuing elementary education. The Government and Local Authorities should ensure that every child completes his/her elementary education.

7. Looking to her interest in studies and her wish to undergo studies, this Court deems it just and proper to grant permission to the Superintendent, Government Balika Grah, Department of Child Rights, Gandhinagar, Jaipur to admit the victim in any Government School situated nearby the vicinity of Balika Grah and bear expenses of her studies and provide her necessary books and study material to continue her studies till attaining the age of majority.

8. With the above observations/directions, the aforesaid three letters stand disposed of.

9. Let the letters be consigned to record.

10. A copy of this order be sent to the Superintendent, Balika Grah, Gandhinagar, Jaipur for intimation, information and compliance of this order.

11. The Superintendent, Balika Grah, Gandhinagar, Jaipur; the Superintendent of Police (Rural), District Jaipur and the Child





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Protection Officer are directed to submit the report to this Court alongwith documentary proof of the admission of the victim child in the School. They are further directed to visit the victim child to ensure that her studies continue to the age of her attaining majority without any hurdle and obstructions. They are directed to submit a report in this regard to this Court every year in the first week of July.



(ANOOP KUMAR DHAND),J

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