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# Judiciary's Role in Advancing Quality Education in India: An Analytical Perspective

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## ABSTRACT

*This article examines the pivotal role of the judiciary in ensuring quality education in India, with a particular focus on judicial interventions that have reinforced the constitutional mandate of the Right to Education under Article 21-A. By reviewing landmark judgments, public interest litigations, and court directives, the article highlights how the judiciary has acted as a catalyst in holding the state accountable for educational standards, infrastructure, teacher availability, and equitable access. It further analyses the judiciary's influence in interpreting and expanding the scope of educational rights, especially for marginalized communities. Through a critical evaluation of case law and policy impact, the article underscores the strengths and limitations of judicial activism in education governance and suggests pathways for a more balanced and collaborative approach among the judiciary, legislature, and executive to uphold the promise of quality education for all.*

## KEYWORDS

*Judicial intervention, Right to Education, Quality education, Education accountability, Marginalised communities*

## INTRODUCTION

The right to quality education is fundamental to the holistic development of individuals and the progress of a democratic society. In India, this right has been constitutionally enshrined under Article 21-A, which guarantees free and compulsory education to all children aged 6 to 14 years. Despite this constitutional promise, the ground reality often reflects systemic shortcomings, including inadequate infrastructure, teacher

shortages, poor learning outcomes, and regional disparities. In such a context, the judiciary has emerged as a crucial guardian of educational rights, stepping in through various forms of intervention to uphold and enforce the right to education. Judicial intervention has played a transformative role in shaping the educational landscape of India. Through landmark judgments and suo moto actions, the courts have not only interpreted the right to education expansively but have also directed state governments to implement reforms aimed at improving access, equity, and quality. From ensuring mid-day meals in schools to mandating the implementation of infrastructure norms under the Right of Children to Free and Compulsory Education (RTE) Act, the judiciary has consistently held the state accountable for its obligations.

This article aims to explore the judiciary's role in ensuring quality education in India. It critically reviews key judicial pronouncements, analyses their impact on education policy and governance, and assesses the extent to which such interventions have contributed to systemic change. By doing so, the article seeks to understand the balance between judicial activism and administrative responsibility, and the potential of the judiciary to act as a catalyst for educational reform.

## LITERATURE REVIEW

The judiciary's intervention in promoting the right to education in India has attracted significant scholarly attention, particularly after the constitutional recognition of this right through Article 21-A. Various scholars and legal experts have examined the trajectory of judicial involvement in ensuring educational equity and quality. Dr. Rajeev Dhavan<sup>1</sup>, a Senior Advocate at the Supreme Court of India, has emphasized the judiciary's expanding role in enforcing socio-economic rights, arguing that courts have been instrumental in transforming the directive principles into enforceable rights. Similarly, Prof. Upendra Baxi<sup>2</sup>, former Vice-Chancellor of Delhi University and a prominent legal theorist, has discussed the "jurisprudence of human suffering," focusing on how courts have creatively interpreted Article 21 to include education, particularly in ***Unni Krishnan, J.P. v. State of Andhra Pradesh (1993)***. Dr. Vimala Ramachandran<sup>3</sup>, an educationist and policy researcher, critically assessed the implementation of judicial directives in the education sector, highlighting issues like poor compliance with infrastructure

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<sup>1</sup> Dhavan, R. (2001). *Litigating against the state: Evolution of public interest litigation in India*. Journal of the Indian Law Institute, 43(2), 1-37

<sup>2</sup> Baxi, U. (2000). *The Future of Human Rights*. Oxford University Press.

<sup>3</sup> Ramachandran, V. (2005). Education and the Public Interest: A Study on the Role of Judiciary. *Economic and Political Weekly*, 40(14), 1351-1358

norms and the gap between policy and practice. In a similar vein, Dr. Kiran Bhatt<sup>4</sup>, Senior Fellow at the Centre for Policy Research, has explored how judicial interventions have influenced teacher accountability and school governance, but warns of uneven implementation across states. The role of public interest litigation (PIL) as a tool for judicial intervention has been explored extensively by Prof. S.P. Sathe<sup>5</sup>, a constitutional law expert and former Director of the Institute of Advanced Legal Studies, who described PIL as a mechanism for expanding access to justice while cautioning against its misuse. Legal scholar Niranjana Arulrajah<sup>6</sup> also pointed out that judicial activism in education must strike a balance to avoid encroachment on executive functions. The impact of judicial enforcement of the Right of Children to Free and Compulsory Education (RTE) Act, 2009, has been documented by Anurag Kundu, an education policy analyst and former member of the Delhi Commission for Protection of Child Rights. His work shows that judicial orders under the RTE Act have helped monitor compliance with norms related to infrastructure, teacher qualifications, and inclusive admission policies. In a broader policy perspective, Prof. Amartya Sen<sup>7</sup>, Nobel Laureate in Economics, and Prof. Jean Drèze<sup>8</sup>, development economist, argue that while legal guarantees and judicial enforcement are important, they must be supplemented with community engagement and democratic accountability mechanisms to effect meaningful change.

Lastly, findings from the Accountability Initiative at the Centre for Policy Research, led by Avani Kapur<sup>9</sup>, reveal that judicial interventions often face challenges in translation to on-ground improvements due to administrative inertia and resource constraints. This body of literature suggests that while judicial activism has significantly strengthened the legal and normative framework for the right to education, its success depends heavily on robust institutional cooperation, policy alignment, and effective implementation at the grassroots level.

## **SYNTHESIS AND GAPS IN LITERATURE**

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<sup>4</sup> Bhatt<sup>4</sup>, K. (2011). Educational accountability and the RTE Act: Building a rights-based framework. Centre for Policy Research

<sup>5</sup> Sathe, S. P. (2002). Judicial Activism in India: Transgressing Borders and Enforcing Limits. Oxford University Press

<sup>6</sup> Arulrajah, N. (2009). Judicial Activism and Education Reform: A Critical Perspective. Indian Journal of Constitutional Law, 3, 55-74

<sup>7</sup> Sen, A., & Drèze, J. (2013). An Uncertain Glory: India and its Contradictions. Penguin Books

<sup>8</sup> Sen, A., & Drèze, J. (2013). An Uncertain Glory: India and its Contradictions. Penguin Books

<sup>9</sup> Kapur, A., Chowdhury, A., & Sethi, S. (2018). PAISA for Schools: Annual Report 2018. Accountability Initiative, Centre for Policy Research.

The literature presents a consensus that judicial intervention has been instrumental in promoting educational equity and accountability in India. Courts have expanded constitutional guarantees, pressured governments to act, and empowered civil society to seek redress. However, several scholars caution that courts cannot be a substitute for effective governance. There is also a need for more empirical studies that evaluate the long-term impact of judicial decisions on learning outcomes and school quality. Additionally, the interaction between judicial pronouncements and local-level governance mechanisms remains an underexplored area, calling for interdisciplinary research that bridges law, education, and public administration. In sum, while the judiciary has played a transformative role in protecting and advancing the right to quality education, its effectiveness ultimately depends on the responsiveness of the state apparatus and the active participation of communities and stakeholders.

### **ROLE OF THE EXECUTIVE IN ENSURING QUALITY EDUCATION**

While the judiciary plays a crucial role in safeguarding the right to education, the actual implementation and delivery of educational services primarily fall under the domain of the executive. In the Indian constitutional framework, the executive branch comprising the central and state governments, ministries, and administrative departments is responsible for formulating policies, allocating resources, overseeing implementation, and ensuring compliance with educational standards.

#### **POLICY FORMULATION AND EXECUTION**

The Ministry of Education at the central level, along with the respective State Education Departments, is tasked with creating and implementing policies aimed at improving access, equity, and quality in education. This includes the design of schemes such as the Samagra Shiksha Abhiyan, operationalization of the RTE Act, and the regulation of school standards and teacher training programs.

#### **INFRASTRUCTURE AND HUMAN RESOURCES**

One of the key functions of the executive is ensuring that schools have the necessary infrastructure and adequately trained personnel. This involves constructing classrooms, providing drinking water and sanitation facilities, recruiting teachers, and conducting regular assessments. Courts have frequently intervened in these areas when executive inaction has led to rights violations.

## JUDICIAL DIRECTIVES

The executive is constitutionally obligated to comply with court orders and judicial mandates. Judicial interventions often take the form of directives to state governments to improve school infrastructure, ensure teacher deployment, or enforce RTE norms such as the 25% reservation for economically weaker sections in private schools. The efficacy of these interventions depends on the willingness, capacity, and efficiency of the executive to implement them.

### ***Society for Unaided Private Schools of Rajasthan v. Union of India*<sup>10</sup>**

This case tested the constitutionality of the Right of Children to Free and Compulsory Education Act, 2009 with respect to private unaided schools. The Supreme Court upheld the validity of the RTE Act. Held that private schools must reserve 25% of seats for children from economically weaker sections. Significant in enforcing inclusive education and making private players accountable under public education mandates.

## MONITORING AND ACCOUNTABILITY

The executive is responsible for setting up mechanisms to monitor school functioning, evaluate learning outcomes, and address grievances. However, the lack of robust accountability frameworks often leads to implementation gaps, necessitating judicial intervention. Tools such as School Management Committees (SMCs) and District Education Officers (DEOs) are expected to bridge this gap but are frequently underutilized or poorly resourced.

## COORDINATION WITH OTHER STAKEHOLDERS

Ensuring quality education also demands coordination between different levels of government central, state, and local as well as collaboration with civil society, private stakeholders, and international partners. The executive must foster this ecosystem while maintaining regulatory oversight and ensuring compliance with constitutional and legal obligations.

## REASONS FOR NON-IMPLEMENTATION OF EDUCATION POLICIES BY THE EXECUTIVE

### ***1. Resource Constraints***

Many state governments face budgetary limitations, which

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<sup>10</sup> (2012) 6 SCC 1

severely impact their ability to build school infrastructure, recruit and train teachers, and ensure adequate learning materials. Though education is a concurrent subject, states often depend on central funds, which may not be released timely or sufficiently.

**Example:** Several states have reported delays in receiving central funds under the Samagra Shiksha scheme, leading to stalled construction of classrooms and irregular payment of teachers' salaries.

## ***2. Bureaucratic Inefficiency and Corruption***

Policy implementation is often hindered by inefficient administrative machinery. Lack of trained personnel, slow decision-making, red tape, and at times corrupt practices dilute the effectiveness of educational schemes.

**Example:** In some regions, school infrastructure funds are misused or remain unspent due to lack of monitoring and accountability.

## ***3. Political Apathy and Short-Term Focus***

Education reform requires long-term commitment, but political leaders often prioritize schemes that offer quick, visible returns before elections rather than investing in foundational educational reforms. As a result, critical RTE mandates such as learning assessments or teacher training receive less attention. Politically popular schemes like distributing laptops or cycles get precedence over systemic improvements like teacher capacity building.

## ***4. Poor Monitoring and Lack of Accountability***

There is a widespread absence of effective monitoring systems to track school-level performance and policy outcomes. Tools like School Management Committees (SMCs), which are supposed to hold schools accountable under the RTE Act, are often inactive or unaware of their responsibilities. Despite judicial orders, thousands of schools still lack toilets, playgrounds, or proper boundary walls due to unchecked non-compliance.

## ***5. Federal and Administrative Fragmentation***

In India's federal structure, responsibilities are divided between the Union and State governments. Often, poor coordination between them leads to policy confusion, duplication, or neglect, especially in areas like curriculum design, teacher recruitment, and funding.

**Example:** States like Bihar and Uttar Pradesh have struggled to

align state rules with the RTE Act, leading to fragmented and inconsistent implementation.

## **6. Socio-Cultural Barriers**

Deep-rooted issues like caste-based discrimination, gender bias, and poverty also influence how policies are implemented. In some regions, even where facilities exist, children from marginalized groups face exclusion or poor treatment, which undermines the intent of inclusive education.

## **7. Lack of Data-Driven Governance**

Policy decisions and implementations are often not based on real-time, reliable data. Many states do not update their school data regularly or analyse it effectively to identify and address gaps.

### **WHAT CAUSES LAWS PASSED BY THE LEGISLATURE TO REMAIN INACTIVE OR UNENFORCED?**

Legislative frameworks concerning education in India are comprehensive, yet they often fail to achieve their intended outcomes. These laws become dormant meaning they exist formally but are ineffective in practice due to the following interconnected factors:

#### **1. Weak Implementation Machinery**

The biggest reason education laws remain dormant is the gap between legislation and execution. Implementing agencies at the state and local levels often lack the human resources, training, or institutional capacity to enforce educational norms.

For example, despite mandates under the RTE Act for trained teachers and adequate infrastructure, thousands of schools continue to operate with untrained staff and without basic facilities.

#### **2. Inadequate Monitoring and Accountability**

Laws require active enforcement and regular monitoring to remain effective. However, education departments in many states have insufficient inspection mechanisms and rarely take punitive action for violations. School Management Committees (SMCs), introduced to involve the community in governance, are often non-functional or manipulated.

#### **3. Absence of Political Will**

Educational reform is a long-term investment, whereas political



agendas are often short-term and populist. As a result, despite laws being passed, their enforcement is not prioritized unless there is judicial pressure or media scrutiny. Schemes like the mid-day meal program receive attention, but fundamental issues like teacher absenteeism or curriculum quality are sidelined.

#### **4. Financial Constraints**

Laws like the RTE Act require significant budgetary support for infrastructure, teacher salaries, training, and monitoring. However, education often suffers from underfunding or irregular fund disbursement, especially at the state level. Many state governments spend well below the recommended 6% of GDP on education, making it impossible to fulfill legal obligations.

#### **5. Socio-Economic Disparities**

Laws cannot function in a vacuum. Poverty, caste discrimination, gender bias, and child labor hinder their enforcement. For instance, a child might be entitled to free education, but if the family needs income, the law is ignored in favor of survival.

#### **6. Lack of Awareness and Legal Literacy**

Many parents and even school staff are unaware of their rights and obligations under education laws. This ignorance prevents communities from holding schools or government departments accountable. The right to free textbooks, uniforms, and transportation often goes unclaimed simply because people do not know these entitlements exist.

#### **7. Judicial Over-reliance as a Substitute**

Paradoxically, the over-reliance on the judiciary to enforce educational rights has created a situation where the legislature and executive sometimes wait for court orders instead of proactively implementing the laws. This undermines the original intent of legislation.

### **SIGNIFICANT CASE LAWS RELATING TO EDUCATIONAL RIGHTS**

#### **1. Mohini Jain v. State of Karnataka <sup>11</sup>**

This landmark case recognized the right to education as a fundamental right under Article 21 (Right to Life) of the Constitution. The Supreme Court held that the right to education is a part of the right to life. It struck down capitation fees in private

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<sup>11</sup> (1992) AIR 1858, SCR (3) 658

professional colleges as unconstitutional. It set the foundation for judicial recognition of education as a justiciable fundamental right, paving the way for future interventions.

## **2. *Unni Krishnan, J.P. v. State of Andhra Pradesh*<sup>12</sup>**

Clarified the scope of the right to education and led to the insertion of Article 21A through the 86th Constitutional Amendment in 2002. The court held that the state has an obligation to provide free and compulsory education up to the age of 14. Beyond this age, the right exists but is subject to the limits of the state's economic capacity. Directly influenced constitutional and legislative reform; instrumental in enacting the RTE Act, 2009.

## **3. *Avinash Mehrotra v. Union of India*<sup>13</sup>**

Focused on school safety and infrastructure after a tragic fire in a Tamil Nadu school killed over 90 children. The Supreme Court laid down guidelines for minimum safety standards in all schools. Directed mandatory compliance and regular inspections. Judicial activism ensured physical safety and basic standards as a part of the right to quality education.

## **4. *Ashoka Kumar Thakur v. Union of India*<sup>14</sup>**

Although primarily about reservations in higher education, it recognized that educational equality must begin at the foundational level. Supported the idea that affirmative action and access to quality education are vital to substantive equality.

## **5. *Environmental and Consumer Protection Foundation v. Union of India*<sup>15</sup>**

The Supreme Court monitored implementation of the mid-day meal scheme, focusing on its nutritional and educational impact. Directed all state governments and Union Territories to implement the scheme effectively. Emphasized education and nutrition as interdependent rights. Demonstrated judicial concern for holistic educational quality, beyond the classroom.

## **6. *Pramati Educational & Cultural Trust v. Union of India*<sup>16</sup>**

Addressed the RTE Act's applicability to minority institutions. Exempted minority institutions from certain RTE provisions to

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<sup>12</sup> (1993) 1 SCC 645

<sup>13</sup> (2009) 6 SCC 398

<sup>14</sup> (2008) 6 SCC 1

<sup>15</sup> (2012) 13 SCC 661

<sup>16</sup> (2014) 8 SCC 1

preserve their autonomy under Article 30. Balancing judicial activism with constitutional freedoms in the educational context.

## **SUGGESTIONS FOR IMPROVEMENT OF POLICY IMPLEMENTATION BY THE EXECUTIVE**

### ***1. Increase Budgetary Allocation for Education***

Ensure consistent and adequate funding for the education sector, ideally moving toward the recommended 6% of GDP. Prioritize funding for infrastructure, teacher recruitment, training, digital access, and support for disadvantaged communities.

### ***2. Strengthen Monitoring and Accountability Mechanisms***

Empower and activate School Management Committees (SMCs) to monitor schools locally, as mandated under the RTE Act. Implement real-time digital dashboards to track school performance, student attendance, and resource utilization. Prioritize funding for infrastructure, teacher recruitment, training, digital access, and support for disadvantaged communities.

### ***3. Improve Inter-Governmental Coordination***

Enhance collaboration between the Central and State governments to ensure clarity on roles, responsibilities, and fund disbursement. Set up joint task forces at the state level to oversee the implementation of centrally sponsored schemes like Samagra Shiksha Abhiyan.

### ***4. Timely and Transparent Teacher Recruitment***

Fill vacant teaching posts promptly and transparently, especially in rural and tribal areas. Conduct regular in-service training and adopt performance appraisal systems for continuous teacher development.

### ***5. Build Capacity of Local Administrators***

Train education officers, headmasters, and Panchayat representatives in policy implementation, RTE compliance, and inclusive education practices. Develop implementation handbooks in local languages for grassroots-level officials.

### ***6. Make Implementation Time-Bound and Legally Enforceable***

Set clear deadlines and penalty mechanisms for delay or non-compliance with legal provisions (e.g., RTE norms). Strengthen

Grievance Redressal Authorities under the RTE Act to resolve complaints swiftly and fairly.

### **7. Foster Community and Civil Society Participation**

Involve parents, NGOs, and community leaders in school oversight and awareness-building. Run mass awareness campaigns about children's rights under Article 21-A and the RTE Act to empower demand-side accountability.

### **8. Address Discrimination and Exclusion Proactively**

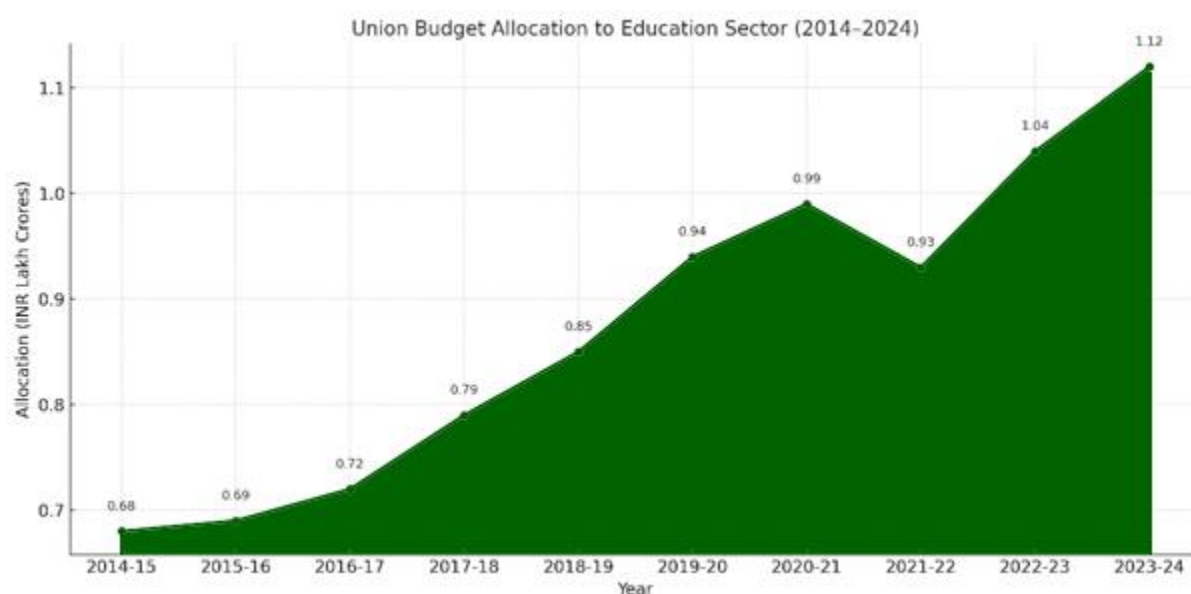
Implement inclusion audits in schools to assess the treatment of SC/ST, minorities, girls, and children with disabilities. Enforce anti-discrimination rules and sensitize teachers and staff through regular equity and gender training.

### **9. Leverage Technology for Efficient Governance**

Use ICT tools for monitoring school attendance, teacher deployment, and mid-day meal distribution. Develop mobile apps for citizen feedback and complaint tracking regarding school functioning.

### **10. Respond Promptly to Judicial Directions**

Set up dedicated Education Legal Compliance Units in each state to track and implement court orders efficiently. Prepare periodic compliance reports to the judiciary on key rulings related to education.



*Graphical Representation of Budget Allocation in the Field of Education*

### ***Improvisation in the Status of Marginalised Groups for which these Policies were Made***

Education policies in India, particularly the RTE Act, National Education Policy (NEP) 2020, and state-level schemes, have explicitly aimed to uplift marginalised sections such as:

- a. Scheduled Castes (SCs)
- b. Scheduled Tribes (STs)
- c. Other Backward Classes (OBCs)
- d. Minority communities
- e. Economically Weaker Sections (EWS)
- f. Children with disabilities
- g. Girl children

These laws and judicial pronouncements emphasize non-discrimination, inclusion, access, retention, and completion of quality education for all.

### **AREAS WHERE IMPROVEMENT HAS HAPPENED**

#### ***1. Increased Enrolment and Access***

The RTE Act has led to a notable rise in enrolment of children from marginalised communities, especially in the 6–14 age groups. Schemes like mid-day meals, free uniforms/textbooks, and 25% reservation in private unaided schools under the RTE have incentivized participation.

#### ***2. Judicial Mandates Reinforcing Equity***

In *Society for Unaided Private Schools of Rajasthan v. Union of India* (2012), the Supreme Court upheld the RTE provision for 25% reservation, enhancing access for EWS children in elite private schools. Courts have repeatedly directed governments to fill teacher vacancies, improve infrastructure, and ensure no discrimination based on caste or religion.

#### ***3. Gender Inclusion***

Several court orders and policies (like Beti Bachao, Beti Padhao) have pushed for increased girl child enrolment, with notable improvements in states like Rajasthan and Bihar.

#### ***4. Inclusion of Children with Disabilities***

Judicial directions have led to provisions such as resource teachers, inclusive curriculum, and physical accessibility, although implementation varies widely across states.

## **PERSISTING CHALLENGES: LIMITED DEPTH OF CHANGE**

Despite these gains, deep-rooted structural inequalities continue to limit the transformative potential of these laws:

### ***1. High Drop-out Rates***

Drop-out rates among SC, ST, and rural girls remain significantly higher at the upper primary and secondary levels, especially due to poverty, social stigma, and domestic responsibilities.

### ***2. Quality Gap***

Even when access is improved, learning outcomes remain poor. Marginalised children often attend underfunded government schools, with absent teachers, poor infrastructure, and multi-grade classrooms.

### ***3. Discrimination Still Persists***

Caste-based seating, denial of mid-day meals, and teacher bias has been reported from multiple states, undermining the goal of inclusive education.

### ***4. Urban-Rural and Digital Divide***

Marginalised children in remote or tribal areas lack digital infrastructure, especially exposed during COVID-19, exacerbating the digital divide in education.

### ***5. Judicial Gaps***

Courts cannot monitor every district or school; their rulings often remain declaratory without strict enforcement mechanisms or follow-up.

## **CONCLUSION**

The constitutional promise of quality education for all, especially for the marginalised sections, has been repeatedly reinforced through legislative initiatives like the Right to Education Act, 2009 and policy frameworks such as the National Education Policy, 2020. The effectiveness of education reform ultimately depends on holistic cooperation between the legislature, executive, judiciary, and civil society. Despite meaningful progress in increasing enrolment and formal access, deep-rooted socio-economic disparities continue to limit the full realisation of educational rights for marginalised groups. In this vacuum, the Indian judiciary has emerged as a crucial guardian of educational rights, actively interpreting and enforcing constitutional mandates under

Articles 21 and 21A. Judicial interventions through landmark judgments and public interest litigations have played a pivotal role in compelling governments to act on issues ranging from infrastructure, mid-day meals, and inclusion to teacher accountability and safety. Yet, while the judiciary has breathed life into many of these provisions, it cannot permanently substitute for legislative will or administrative commitment. However, these legal instruments have often remained dormant or weakly implemented, leaving significant gaps in access, equity, and quality. True transformation requires not just judicial enforcement, but grassroots level implementation, adequate funding, transparent monitoring, and above all, a political culture that treats education as a public good rather than a policy formality. In essence, the judiciary has acted as a catalyst but the real responsibility lies with the legislative and executive arms to ensure that the right to quality education moves from courtrooms and statutes into classrooms and communities.