

AFFIRMATIVE ACTION IN EDUCATION AND CONSTITUTIONAL EQUALITY: AN ANALYSIS OF THE SUPREME COURT'S 2026 JUDGMENT

Muskaan Uppal*
Prof. Amita Verma**

ABSTRACT

Access to schooling has long been shaped by social and economic divisions that quietly reproduce inequality across generations. The promise of equal opportunity cannot be realised if children grow up in separate and unequal educational spaces. Over time, the law has responded to this concern by recognising that meaningful access requires more than admission; it requires inclusion within shared institutions. The Right of Children to Free and Compulsory Education Act, 2009 reflects this shift through its mandate that private unaided schools admit children from weaker sections at entry level. The twenty-five per cent inclusion requirement is designed to prevent parallel systems of schooling and to ensure that classrooms become socially diverse spaces, creating a critical mass so that children from disadvantaged backgrounds participate with confidence rather than isolation. This paper examines the Supreme Court's January 2026 judgment in Dinesh Biwaji Ashtikar v. State of Maharashtra, which confronted the gap between this statutory promise and its administrative implementation, and argues that the decision reshapes the constitutional understanding of State responsibility for inclusive schooling by treating Section 12(1)(c) as a binding obligation rather than discretionary welfare policy. The paper traces the constitutional evolution of the Economically Weaker Sections category, examines the statutory architecture of the Right to Education Act, and evaluates the judgment's contribution to transformative constitutionalism before proposing concrete measures to close the persistent gap between legal entitlement and lived access.

KEYWORDS: *Right to Education; Affirmative Action; Educational Equality; Transformative Constitutionalism; Social Integration*

1. INTRODUCTION

The Constitution's commitment to equality does not begin in courtrooms or statutes; it originates in everyday situations concerning who gets access to opportunities early in life. The Indian Constitution is not confined to formal equal treatment under law but is concerned with ensuring real opportunities so that people can actively participate and thrive in society, and education functions as a catalyst not only for economic progress but for social inclusion and civic participation.¹ The original Constitution guaranteed equality through Articles 14 to 18, yet education was initially situated among the Directive Principles rather than recognised as an enforceable right.² This changed with the insertion of Article 21A, which elevated elementary education to the status of a fundamental right.³ Deep-rooted economic inequalities continue to prevent

* Research Scholar, Department of Laws, Panjab University, Chandigarh.

** Professor, University Institute of Legal Studies, Panjab University, Chandigarh.

¹ Mohini Jain v. State of Karnataka, (1992) 3 S.C.C. 666 (India).

² The Constitution of India, 1950, arts. 14-18; art. 45 (as originally enacted).

³ The Constitution of India, 1950, art. 21A; The Constitution (Eighty-Sixth Amendment) Act, 2002 (India).

certain groups from benefiting from educational opportunity on equal footing, and when the State acts to improve educational access for disadvantaged groups, it gives effect to the Constitution's promise of equal status and opportunity.⁴

Education bears directly on the enjoyment of fundamental rights including equality and dignity, and cannot for that reason be treated as a purely private activity; the law accordingly cannot treat private schools as wholly independent of constitutional concern.⁵ Inclusion at the elementary stage seeks to prevent inequality from the earliest possible point, rather than correcting it later through quota-based measures in higher education or public employment. The Supreme Court has repeatedly recognised that treating unequals alike may itself produce inequality, and in *State of Kerala v. N.M. Thomas*, the Court gave equality a wider meaning, accepting that differential treatment may be necessary to achieve real equality.⁶ Elementary education occupies a unique constitutional position precisely because it shapes the conditions under which future equality of opportunity becomes possible. Unlike higher education or public employment, where affirmative action necessarily operates within a framework of scarce, competitively allocated positions, elementary education admits of a genuinely inclusive design: because every child is, in principle, entitled to a school seat somewhere, the question is not whether disadvantaged children will be educated at all, but whether they will be educated within the same institutions, and therefore the same social world, as their more advantaged peers. This distinction between allocative and integrative affirmative action runs through the analysis that follows and supplies much of the doctrinal weight the Supreme Court's 2026 judgment ultimately places on Section 12(1)(c).

1.1 Research Questions

This paper addresses five questions: whether Section 12(1)(c) of the RTE Act creates an enforceable constitutional right or merely a statutory obligation; how the Supreme Court's 2026 judgment strengthened the right to education for children belonging to weaker sections; what role the State plays in ensuring effective implementation of the Economically Weaker Sections inclusion mandate; whether private unaided schools bear a constitutional obligation to ensure inclusion under the RTE Act; and whether the implementation of the RTE Act in practice fulfils its constitutional goal of inclusive education.

⁴ *State of Kerala v. N.M. Thomas*, (1976) 2 S.C.C. 310 (India).

⁵ *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 S.C.C. 1 (India).

⁶ *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 S.C.C. 3 (India); *State of Kerala v. N.M. Thomas*, (1976) 2 S.C.C. 310 (India).

1.2 Objectives and Hypothesis

The study aims to determine the legal nature and constitutional character of Section 12(1)(c) of the RTE Act; to examine the contribution of the Supreme Court's 2026 judgment to the educational rights of economically weaker children; to explore the practical challenges hindering access to admission under the RTE inclusion mandate; to analyse the extent of constitutional responsibility placed on private unaided schools; and to evaluate the overall effectiveness of the RTE Act in achieving educational inclusion and equality. The paper's working hypothesis is that the 2026 judgment reinforces the Economically Weaker Sections mandate under Section 12(1)(c) as a tool for substantive educational inclusion, but that procedural barriers and weak enforcement continue to limit its effective implementation.

1.3 Research Methodology

This study adopts a doctrinal and analytical methodology centred on the constitutional and statutory analysis of the right to education. It examines Article 21A and related equality provisions of the Constitution, the text of Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009, and the Supreme Court's 2026 judgment in *Dinesh Biwaji Ashtikar v. State of Maharashtra* alongside relevant precedent. The study relies on primary sources, constitutional provisions, statutes and judicial decisions, and secondary sources including scholarly writing, policy documents and official reports, with the objective of examining the extent to which the constitutional promise of educational equality is realised in practice.

2. THE ECONOMICALLY WEAKER SECTIONS CATEGORY: CONCEPT AND CONSTITUTIONAL EVOLUTION

Reservation policies in India were historically designed for groups that had been socially and educationally disadvantaged across generations rather than merely economically disadvantaged; the Constitution originally permitted special provisions primarily for Scheduled Castes, Scheduled Tribes and Other Backward Classes, while poverty was treated as an insufficient ground for special provision on the assumption that economic status was inherently temporary.⁷ This position traces to *State of Madras v. Champakam Dorairajan*, where the Supreme Court struck down communal reservations and emphasised the supremacy of formal equality, prompting the First Constitutional Amendment and the introduction of Article 15(4), the Constitution's first explicit recognition of affirmative action grounded in social and educational backwardness.⁸ The Court gradually moved away from this rigid, formal conception of equality; in *Indra Sawhney v. Union of India*, the Court held

⁷ *M. Nagaraj v. Union of India*, (2006) 8 S.C.C. 212 (India).

⁸ *State of Madras v. Champakam Dorairajan*, A.I.R. 1951 S.C. 226 (India).

firmly that reservations under Article 16(4) were meant to address social and educational backwardness and could not be extended solely on economic criteria, while nonetheless leaving room for poverty to be addressed through separate welfare measures.⁹

A decisive shift came with the 103rd Constitutional Amendment of 2019, which introduced Articles 15(6) and 16(6) and, for the first time, explicitly recognised economic disadvantage as an independent basis for affirmative action in education and public employment.¹⁰ This development expanded rather than replaced the existing constitutional scheme, acknowledging that exclusion from opportunity may arise from economic hardship even where an individual does not belong to a traditionally backward social group. The constitutional validity of this expansion came under scrutiny in *Janhit Abhiyan v. Union of India*, where the Supreme Court upheld the 103rd Amendment, treating equality not as a fixed historical category but as a living constitutional principle capable of accommodating economic disadvantage as a legitimate ground for reservation.¹¹ Decisions in *M. Nagaraj v. Union of India* and *Jarnail Singh v. Lachhmi Narain Gupta* reinforced that equality-based measures, whether grounded in social or economic criteria, are constitutionally valid only when justified by context, empirical evidence and genuine advancement of equality of opportunity rather than assumption.¹²

The Economically Weaker Sections category under the Right of Children to Free and Compulsory Education Act, 2009 occupies a distinct constitutional place: Section 12(1)(c) does not trace its origin to the 103rd Amendment at all, but rests instead on Article 21A and the recognition of elementary education as a fundamental right.¹³ Unlike reservation in higher education or public employment, the provision concerns early access to schooling, inclusion and integration rather than competition for a limited number of seats. In *Society for Unaided Private Schools of Rajasthan v. Union of India*, the Supreme Court upheld the RTE Act's applicability to unaided non-minority schools, holding that private institutions providing elementary education perform a public function and cannot avoid constitutional obligation as a matter of policy choice.¹⁴ This reasoning laid the doctrinal groundwork for the 2026 judgment examined in Part 4. The constitutional status of the Economically Weaker Sections category thus operates on two complementary levels: Articles 15(6)

⁹ *Indra Sawhney v. Union of India*, 1992 Supp (3) S.C.C. 217 (India).

¹⁰ The Constitution of India, 1950, arts. 15(6), 16(6).

¹¹ *Janhit Abhiyan v. Union of India*, (2023) 5 S.C.C. 1 (India).

¹² *M. Nagaraj v. Union of India*, (2006) 8 S.C.C. 212 (India); *Jarnail Singh v. Lachhmi Narain Gupta*, (2018) 10 S.C.C. 396 (India).

¹³ The Right of Children to Free and Compulsory Education Act, No. 35 of 2009 (India); The Constitution of India, 1950, art. 21A.

¹⁴ *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 S.C.C. 1 (India).

and 16(6) recognise economic disadvantage as a valid criterion in affirmative action jurisprudence generally, while the RTE framework treats economic vulnerability specifically as a barrier to basic educational access, justifying State-mandated inclusion at the elementary stage.

3. THE STATUTORY FRAMEWORK OF THE RIGHT TO EDUCATION ACT, 2009

The Right of Children to Free and Compulsory Education Act, 2009 gives statutory form to the constitutional guarantee under Article 21A, converting elementary education from constitutional aspiration into enforceable obligation. Section 3 guarantees every child between six and fourteen years free and compulsory elementary education at a neighbourhood school, defining "free" to cover any fee, charge or expense that might hinder a child's completion of elementary education.¹⁵ Sections 6 through 9 assign specific duties to the appropriate government and local authorities, including establishing neighbourhood schools, maintaining records of children, and ensuring their admission, attendance and completion of elementary education, while Section 7 divides financial responsibility between the Central and State Governments.¹⁶ Section 12 forms the crucial inclusive core of the statute: under Section 12(1)(c), unaided private schools must admit, at the entry level, at least twenty-five per cent of children belonging to weaker sections and disadvantaged groups from the neighbourhood, providing them free elementary education until completion, with Section 12(2) entitling the school to reimbursement equal to the lesser of the State's per-child expenditure or the amount actually charged.¹⁷ This admission requirement applies to Class I only, meaning that admitted children cannot be pooled into a separate section or shift, a design feature central to the statute's integrationist purpose.¹⁸ A parallel obligation is recognised constitutionally in Article 51A(k), which places a duty on parents to provide educational opportunities to their children between six and fourteen years, one of five duty bearers the 2026 judgment discussed in Part 4 identifies within the statutory scheme.

The constitutional validity of imposing obligations on private unaided non-minority schools was examined in *Society for Unaided Private Schools of Rajasthan v. Union of India*, where the central issue was whether the Section 12(1)(c) mandate amounted to an impermissible intrusion into institutional autonomy.¹⁹ The Court rejected this challenge by distinguishing regulation from takeover, holding that while the State cannot appropriate or manage private

¹⁵ The Right of Children to Free and Compulsory Education Act, No. 35 of 2009, § 3 (India).

¹⁶ Id. §§ 6-9.

¹⁷ Id. § 12.

¹⁸ *Dinesh Biwaji Ashtikar v. State of Maharashtra*, 2026 INSC 56 (India).

¹⁹ *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 S.C.C. 1 (India).

unaided schools, it is constitutionally competent to regulate them where such regulation serves the fulfilment of a fundamental right, since the schools perform a public function connected to the enforcement of Article 21A without thereby suffering interference in their internal administration.²⁰ The Act recognises further that exclusion from education rarely occurs through direct refusal but operates quietly through everyday practice; Sections 13 to 17 accordingly prohibit capitation fees, screening procedures at admission, arbitrary denial of admission, and expulsion or detention of children at the elementary stage, while Sections 31 and 32 vest supervisory functions in the National and State Commissions for Protection of Child Rights, empowering them to examine complaints, monitor implementation and recommend corrective measures.²¹ In *Avinash Mehrotra v. Union of India*, the Court addressed the scope of the right in the context of school safety, holding that the right under Article 21A cannot be reduced to mere physical access to a classroom, since the constitutional guarantee exists only on paper where children are compelled to study in unsafe or degrading conditions, and that education must be provided in conditions ensuring safety, dignity and a conducive learning environment.²² Read together, the statutory framework rests on universal access, shared responsibility and regulated inclusion, with Section 12(1)(c) properly understood not as discretionary welfare measure but as a statutory obligation flowing directly from the constitutional guarantee under Article 21A, a foundation on which the Supreme Court's 2026 judgment builds directly.

4. THE SUPREME COURT'S 2026 JUDGMENT: DINESH BIWAJI ASHTIKAR v. STATE OF MAHARASHTRA

The Supreme Court's decision in *Dinesh Biwaji Ashtikar v. State of Maharashtra*, decided in January 2026, is constitutionally significant precisely because it shows how institutional failure to follow existing procedure can weaken a right already recognised in law.²³ The petitioner had sought admission for his children under the twenty-five per cent inclusion mandate; despite the availability of vacant seats and specific communication from local education authorities directing admission, the neighbourhood school refused admission on the ground that the prescribed online application procedure had not been followed, and the High Court upheld this denial by placing the burden on the parent for failing to take "appropriate steps" to secure admission under the free education quota.²⁴ By the time the matter reached the Supreme Court it had become infructuous, yet the Court, recognising that the petitioner's grievance

²⁰ Id. ¶¶ 32-35.

²¹ The Right of Children to Free and Compulsory Education Act, No. 35 of 2009, §§ 13-17, 31-32 (India).

²² *Avinash Mehrotra v. Union of India*, (2009) 6 S.C.C. 398 (India).

²³ *Dinesh Biwaji Ashtikar v. State of Maharashtra*, 2026 INSC 56 (India).

²⁴ Id.

reflected a recurring and systemic failure rather than an isolated dispute, treated the case as precedent-making, shifting focus from individual relief to an examination of how effectively Section 12 was actually being implemented.²⁵ Drawing on submissions from the *amicus curiae*, the Court identified multiple obstacles to implementation, including exclusive reliance on online admission portals, digital illiteracy, language barriers, absence of help-desk assistance, lack of transparent information on seat availability, and the absence of functioning grievance-redress mechanisms, concluding that such procedural hurdles rendered the right accessible only to those capable of navigating administrative formality.²⁶

The Court treated "neighbourhood schooling" as integral to the realisation of the Article 21A right, drawing its intellectual foundation from the National System of Education articulated in the Kothari Commission Report, which proposed a Common School System under which children from all sections of society, regardless of caste, class, gender or economic status, would study together within a shared, non-segregated local institution functioning as a collective civic space that dissolves social hierarchy.²⁷ The Ministry of Human Resource Development had itself recognised that inequitable and disparate schooling reinforces existing social and economic hierarchies and fosters indifference among educated sections toward the poor, a concern the Court's reasoning directly echoes.²⁸ The Court clarified that proximity, in the context of neighbourhood schooling, is not merely geographical but a constitutional tool ensuring accessibility: where economically weaker families are required to navigate distant schools or complex administrative systems, the purpose of neighbourhood schooling is defeated, since physical accessibility directly affects attendance, regularity and completion of education for children from disadvantaged backgrounds.²⁹ The Court rejected any interpretation permitting neighbourhood schools to avoid this responsibility while benefiting from operating within a community, even as it recognised the underlying irony that reliance on unassisted digital platforms can itself hollow out the very meaning of "neighbourhood" schooling that the provision is meant to secure.³⁰

The Court's key holdings proceed along six interlocking lines. It held that admitting disadvantaged students must function as a national mission and a coordinated responsibility of the appropriate government and local authority,

²⁵ Id.

²⁶ Id.

²⁷ Kothari Commission, Report of the Education Commission 1964-66, at 9-12 (Ministry of Education, Government of India 1966).

²⁸ Ministry of Human Resource Development, National Policy on Education, 1986 (as modified in 1992), ¶ 3.2 (India).

²⁹ *Dinesh Biwaji Ashtikar v. State of Maharashtra*, 2026 INSC 56 (India).

³⁰ *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 S.C.C. 1 (India).

reiterating that Article 21A is a positive right imposing affirmative obligation rather than merely restraining State action, and expressly identifying five duty bearers whose coordinated functioning the right requires: the appropriate government, local authorities, neighbourhood schools, parents or guardians, and elementary school teachers. It held that Section 12(1)(c) is a transformative and binding obligation, such that the twenty-five per cent admission requirement is a legal duty enforcing the fundamental right under Article 21A rather than an optional scheme, and it located the provision within the constitutional values of equality of status, dignity and social integration, recognising that it operates by allowing children from different backgrounds to study together. The Court further held that issuing advisory guidelines alone is insufficient, directing the State to frame binding and enforceable rules under Section 38 of the RTE Act so that the right can be properly implemented, and it affirmed that where administrative authorities fail, the judiciary bears a constitutional duty to ensure the right's protection.³¹

The core doctrinal contribution of the judgment lies in its interpretation of Section 12(1)(c) as vesting an enforceable right in the child rather than granting a discretionary concession by the school, placing clear responsibility on State authorities to ensure that the admissions process functions in practice, that information is genuinely accessible, and that grievance-redress mechanisms operate effectively, rather than permitting reliance on procedural compliance while ignoring whether eligible children can actually benefit.³² This interpretation reflects an understanding of equality as lived experience rather than formal guarantee, treating Section 12(1)(c) as a vehicle for long-term inclusion rather than symbolic compliance, and situating education within a larger constitutional framework in which it functions as a public good.³³ The judgment thus responds directly to the gap between constitutional promise and lived reality, laying the foundation for the Court's engagement with transformative constitutionalism examined in the following Part. Read against the doctrinal trajectory traced in Part 2, from *Champakam Dorairajan*'s insistence on formal equality through *Indira Sawhney*'s and *Janhit Abhiyan*'s progressively wider conceptions of substantive equality, the 2026 judgment can be understood as extending that same trajectory into the administrative register: where earlier decisions expanded the constitutionally permissible grounds for affirmative action, *Dinesh Biwaji Ashtikar* insists that a constitutionally sound entitlement, once granted, must also be administratively realisable, closing what might otherwise remain a purely doctrinal victory disconnected from a child's actual ability to walk through a school's front door.

³¹ *Dinesh Biwaji Ashtikar v. State of Maharashtra*, 2026 INSC 56 (India).

³² Reetika Khera, *The Right to Education Act: Status and Challenges*, 45 *Econ. & Pol. Wkly.*, no. 13, at 10 (2010).

³³ *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 S.C.C. 645 (India).

5. TRANSFORMATIVE CONSTITUTIONALISM AND EDUCATIONAL EQUALITY

Transformative constitutionalism in the Indian context is not confined to moments of sweeping constitutional change; it often operates quietly through the interpretation and enforcement of everyday rights. The 2026 judgment exemplifies this quieter mode of transformation: rather than announcing a new doctrine, the Court reshapes the constitutional meaning of an existing right so that it is taken seriously in practice. The Court recognises that educational inequality can survive within legal frameworks that appear neutral on their face, and transformative constitutionalism responds to precisely this problem by treating equality as something lived collectively rather than merely claimed individually.³⁴ Educational equality on this account is not simply a personal entitlement but an experience realised within shared institutional space; learning together at an early age encourages mutual respect, giving children a shared environment in which to spend their formative years irrespective of caste, class and gender divides, narrowing such divisions over time.³⁵

This intermingling is not one-sided. While many children admitted under Section 12(1)(c) come from comparatively less financially secure homes, they bring lived knowledge from farming, craft, trade and service work that enriches the collective classroom environment; when these different worlds meet, both groups gain, and the resulting exchange deepens empathy and practical understanding in ways that make education more meaningful and grounded in social reality.³⁶ A further transformative dimension of the judgment lies in its redistribution of constitutional responsibility: the Court declines to place blame solely on parents or schools, instead placing responsibility on the State to design systems that are genuinely accessible and comprehensible, while treating private schools as participants in a shared constitutional responsibility that attaches the moment they choose to provide elementary education.³⁷ This redistribution is doctrinally significant because it inverts a pattern visible in the High Court judgment the Supreme Court overturned, where the burden of navigating a defective administrative system was placed squarely on the parent, treated as a private individual who had simply failed to comply with procedure, rather than on the State machinery whose own design choices had rendered compliance practically unattainable for many eligible families. In this sense, transformative constitutionalism operates through persistence rather than novelty: the Court does not announce new rights but insists that existing rights be taken seriously in implementation, access and everyday experience, treating

³⁴ *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 S.C.C. 1 (India).

³⁵ *Dinesh Biwaji Ashtikar v. State of Maharashtra*, 2026 INSC 56 (India).

³⁶ Amartya Sen, *Human Capital and Human Capability*, 25 *World Dev.* 1959 (1997).

³⁷ *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248 (India).

educational equality as a continuing constitutional effort rather than a status achieved once and for all by legislative enactment. The judgment's approach also carries broader significance for Indian constitutional method more generally, since it demonstrates that transformative constitutionalism need not proceed exclusively through the expansion of substantive rights; it can proceed equally through a searching judicial insistence on the administrative conditions under which an already-recognised right can be meaningfully exercised, a mode of constitutional reasoning with clear relevance to other welfare and entitlement schemes administered through similarly complex bureaucratic processes.

6. CHALLENGES IN EFFECTIVE IMPLEMENTATION

The most persistent weakness in enforcing the right to education lies not in its legal design but in the manner of its implementation, and the 2026 judgment reveals a considerable gap between legal entitlement and actual access. Admission procedures often require parents to complete multiple formal steps, submit documentation and observe strict timelines that families from weaker sections may not be familiar with, increasing the likelihood of errors or incomplete applications that leave eligible children excluded; admission timelines themselves are not always communicated clearly or sufficiently in advance, and families who do not regularly follow official updates may miss deadlines announced or altered without adequate notice. Although tuition itself is covered, families continue to bear ancillary costs including transport, uniforms, books and participation in school activities, costs that can be genuinely difficult for economically weaker families to manage and that may affect regular attendance or discourage continued enrolment. Some schools, moreover, treat admission under the Economically Weaker Sections quota as a bare legal requirement rather than an educational responsibility, leaving admitted children without the guidance or encouragement needed to adjust to an unfamiliar environment, such that the objective of meaningful inclusion, rather than nominal compliance, goes unrealised.

Institutional weaknesses compound these individual-level barriers. Accurate records of seat availability, applications received and admissions granted are essential to transparency, yet incomplete or poorly maintained records make it difficult to verify whether schools and authorities are in fact complying with the law. Multiple authorities, education departments, local authorities and schools themselves, share responsibility for implementation, and this diffusion of responsibility frequently produces confusion about which body must resolve a given failure, weakening enforcement in practice. The effectiveness of implementation varies considerably by location, with some areas benefiting from stronger administrative systems while others lack adequate supervision, producing unequal access to the same nominal legal right depending purely on geography. This geographical unevenness is itself a form of the very inequality Section 12(1)(c) was designed to correct: a child's practical ability to invoke the

Economically Weaker Sections quota should not depend on which district or state they happen to reside in, yet the fragmented, state-by-state character of RTE implementation rules, a fragmentation the 2026 judgment's direction to frame binding rules under Section 38 is specifically intended to address, has to date produced exactly that outcome. What the 2026 judgment highlights is not an isolated failure but a recurring pattern, one requiring continuous, accountable institutional action and sustained coordination between courts and monitoring authorities if the promise of educational equality is to move beyond paper into everyday life.

7. TOWARDS EFFECTIVE ENFORCEMENT: RECOMMENDATIONS

The effectiveness of the right to education ultimately depends on how institutions respond after judicial clarification, and the gaps the 2026 judgment surfaces call for a coordinated set of administrative reforms. States and Union Territories should establish dedicated, transparent online admission portals to operationalise Section 12(1)(c), since the present absence of centralised, technology-driven systems in many jurisdictions weakens both accountability and fair implementation; digital platforms, however, cannot function as the sole route to admission, and help desks, multilingual assistance and offline submission options remain essential if the right is to be genuinely exercisable by economically weaker families, technology serving to ease access rather than substitute for human support. Dedicated facilitation support should be established at the application stage, whether through designated school staff, District or Block Education Officers, or local Jan Sewa Kendras, to assist parents through the application process, accompanied by a defined window for correcting minor errors or deficiencies rather than outright rejection, governed by a clear timeline and procedure.

Where admissions are denied, the denial should be recorded with proper reasoning and made available for review by the Block Education Officer within seventy-two hours, and relevant information, covering school details, eligibility criteria, documentation requirements and admission schedules, should be published in Hindi, English and the relevant local language, disseminated through print, electronic and locally used media, particularly in rural areas. Responsibility for implementation should be clearly delegated, with the appropriate government functioning as the principal authority subject to defined timelines and consequences for non-compliance, so that schools cannot excuse denial of admission through claims of procedural confusion. Monitoring mechanisms require corresponding strengthening: the National and State Commissions for Protection of Child Rights should be equipped with clear authority to issue time-bound directions and demand compliance reports from schools and local authorities, while inclusion must extend beyond the admission stage itself, requiring proper training for teachers and school staff on classroom integration, non-discrimination and inclusive pedagogical practice. The

judiciary, for its part, must ensure that the admission process is not only legally sound in principle but genuinely accessible and workable for families on the ground, responding promptly where authorities fail to act, since remedies that arrive only after a child's educational opportunity has already slipped away offer little practical value. Finally, grievance-redress mechanisms must be simple, visible and locally accessible through dispute settlement committees, so that parents are not compelled to approach courts for everyday violations, reducing both harm to children and the burden the present system places on the judicial process. None of these measures requires new rights or fresh legislative enactment; strengthening enforcement, in this sense, is less a matter of innovation than of fidelity to the statute, the judgment, and the lived realities of the families the law exists to protect.

8. CONCLUSION

The Supreme Court's 2026 judgment marks an important moment in the constitutional journey of educational equality precisely because it insists on the effective realisation of a right that already exists rather than announcing a new one. This paper has shown that exclusion from education today rarely occurs through direct refusal; it operates instead through cumbersome procedure, administrative delay and unclear delegation of duty. Section 12(1)(c) of the RTE Act was designed to address this problem at the earliest possible stage of schooling, yet its implementation has fallen short of its statutory design, a gap the judgment addresses by treating the provision as a binding constitutional obligation rather than a matter of policy discretion. The judgment reflects a nuanced understanding of equality in education, accepting that applying identical rules to unequal starting conditions cannot produce substantive equality, and treating access to neighbourhood schools, participation within classrooms, and institutional accountability as integral components of the right to education rather than optional administrative detail. In this way, the Court's interpretation aligns the statute with the Constitution's commitments to dignity, fraternity and equal opportunity.

The decision illustrates, above all, that transformative constitutionalism does not always require sweeping doctrinal change; the realisation of educational equality will depend not on judicial pronouncement alone but on the willingness of the State and its institutions to give effect to constitutional guarantees in the daily lives of the children they are meant to serve. The recommendations advanced in Part 7 do not call for new rights or legislative amendment; they call instead for the sustained institutional discipline needed to ensure that a right already recognised by the Constitution, given statutory form by Parliament, and now reaffirmed by the Supreme Court, is not permitted to remain, in practice, a promise deferred.

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