

# STATE OBLIGED TO FACILITATE ACCESS TO EDUCATION: SC

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

“This obligation assumes far greater importance for students whose background (by virtue of such characteristics as caste, class, gender, religion, disability and geographical region) imposes formidable obstacles on their path to accessing quality education,” the recent judgment read.

“We would like to take this opportunity to underscore the importance of creating an enabling environment to make it possible for students, such as the petitioners, to pursue professional education. While the right to pursue higher (professional) education has not been spelt out as a fundamental right in Part III of the Constitution, it bears emphasis that access to professional education is not a governmental largesse,” Justice Chandrachud wrote in the judgment authored for the Bench.

## Panel’s vision

The court referred to the vision envisaged by the Committee on Economic, Social and Cultural Rights.

“As an empowerment right, education is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities,” the court said, referring to one of the Committee’s clauses.

The court ordered that the students be admitted within a week.

It was government policy last November to allot one seat each at Lady Hardinge and Maulana Azad medical colleges from the Central pool.

The court noted that India was a signatory to the United Nations International Covenant on Economic, Social and Cultural Rights.

“Pursuant to these obligations, which India has undertaken by being a signatory to the covenant, the Union shall ensure proper coordination so that students allocated colleges under the Central pool seats are not put to hardship in enrolling once they have been duly allocated their seats,” the court noted.

“Financial hardship should not prevent the students from getting admission in terms of the allocation which has been made in their favour legitimately under the Central pool seats,” it added.

## Nodal officer

The top court further recommended the appointment of a nodal officer to ensure that students duly nominated under the Central pool seats were admitted in their chosen course of study.

“Such an institutional framework will ensure that students are not left in the lurch due to lack of help in securing their legitimate admission to the appropriate course,” the court reasoned.

END

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