



REVIEW ARTICLE

Study on the right to education with special references to public private partnerships

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Abstract

The Indian education system faces significant challenges in providing quality education to all its citizens, particularly in the context of limited government resources. Public-private partnerships (PPPs) have emerged as a critical strategy to bridge this gap, leveraging private sector participation in financing and managing educational institutions. This paper examines the evolving landscape of education under PPP models in India, focusing on the implications for the right to education. Through a comprehensive review of literature and analysis of case studies, the study explores how PPPs influence access, equity, and quality in education, while also addressing concerns related to privatization and accountability. By evaluating the successes, challenges, and policy implications of PPPs in education, this research contributes to the broader discourse on the role of private sector involvement in fulfilling the right to education in developing countries.

Keywords: Public-private partnerships, Right to education, Education financing, Quality education, Equity in education, Privatization, Accountability.

Introduction

The Indian government administers many educational institutions. Education is a term that can refer to either the Act of imparting or acquiring wide knowledge, improving the capacity for thinking and judging, and generally preparing oneself or others intellectually for a life of adulthood. Education can refer to the act or the process of imparting or learning broad information. Despite the reality that every country's education system may need some improvement, governments in poorer nations typically lack the funds to do so. They face many complications when offering high-level educational services that respect and appreciate various individuals and communities.

Consequently, there has been a growth in the engagement of the private sector, which encompasses communities, corporations, and non-governmental organizations, in service financing and administration.

Privatization is permeating modern culture and is about to permeate every part of the economy. Industries that construct transportation networks, such as roads, airports, and trains, are among the numerous that fall under this umbrella (Gideon, J., & Unterhalter, E., 2017). On the other hand, it is no longer restricted to these domains. In this regard, public-private partnerships play a significant role in ushering in a new era of privatization.

Globally, the number of public-private partnerships in education has increased dramatically during the past 30 years. The public-private partnership model, often called the grant-in-aid model, was formed in India as a reaction to the rising need for a more effective method of gaining access to higher education services. Although higher education is commonly called a "Public Good," relying excessively on market forces and community-based initiatives will not result in a more egalitarian or efficient society. For this reason, public-private partnerships in education are of great significance; they bring together the most beneficial aspects of both the public and private sectors. Therefore, a public-private partnership (PPP) is a vehicle that the government uses to seek the involvement of non-government organizations, both for-profit and not-for-profit, to supply public goods and services and overcome the obstacles between public and private education. This was done to overcome the barriers between the two types of education. In light of this, a context conducive to establishing an adequate monitoring system to manage quality, maintain transparency, and be responsible for its operations will be formed.

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During the twelfth 5 year plan, India implemented a policy known as the right to education. Regardless of their caste, creed, gender, or geographic region, this policy requires that all children between the ages of 6 and 14 who are enrolled in primary school get a satisfactory education. PPP is active in the education sector in various ways, including providing vouchers, stipends, subsidies, capitation payments, and other financial assistance to public college students. Certain countries continue to show interest in the PPP system despite being prohibited from privatization (Muralidharan, K., 2006). They are well aware that PPPs can generate a substantial number of economies in various infrastructure development sectors, such as the construction of airports, railroads, highways, and other similar projects. These phenomena are not restricted to the domains that were stated earlier. However, it has also made its way into the realm of educational institutions. PPPs are being expanded to include education, particularly primary education, which is recognized as a fundamental human right. Other areas of human development, such as the health sector and even activities related to alleviating poverty, are also included in the expansion of PPPs.

Because of the poor quality of education offered by the institutions managed by the government, an increasing number of parents in India are choosing to send their children to private schools rather than public schools. Improvements in education, more access to services in places that are not currently being covered, and additional alternatives for locals are all potential outcomes that might result from PPPs. Most of India's educational policies have been input-driven since the country gained its independence in 1947. The increase of access and the maintenance of equality have been the primary objectives of this policy. The Right of Children to Free and Compulsory Education Act, 2009 (RTE) and the commencement of the Sarva Shiksha Abhiyan (SSA), the flagship initiative of the federal government for primary education, were significantly responsible for the rise in enrolment rates for children aged 6 to 14 years old. During the same period that the Social Security Administration was founded, the RTE was put into law between 2003 and 2009. India is close to accomplishing its goal of delivering elementary education to every kid in the country due to their constant devotion. The gross enrolment ratio (GER) for elementary schools in the United States grew from 90 to 106 during 2003–2004 and 2012–2013. This is a significant step forward. This is a very substantial rise. More than 96% of children living in rural areas are engaged in some formal education program, according to research that was published in the Annual State of Education Report (ASER) in 2013. By looking at this fraction, it is clear that the enrolment rate among children between the ages of 6 and 14 is quite high (Kumari, J., 2016).

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research that was published in the ASER in 2013. By looking at this fraction, it is clear that the enrolment rate among children between the ages of 6 and 14 is quite high.

Although there is an increase in the number of students enrolling in elementary and secondary schools, there is still a concern over the retention of students in these levels of education. By the time pupils reach senior secondary school, the grade equivalency ratio has dropped from 106 in elementary school to 39, indicating a cause for worry over the retention of students in elementary school. The data provided by the District Information System for Education (DISE) for the school year 2012–2013 reveals that 80% of pupils continue to retain their enrolment at the primary level. This information pertains to the school year. The educational system in India has delivered appallingly unsatisfactory outcomes, both in absolute terms and in comparison to the accomplishments of educational systems in other countries. The findings of the ASER that was carried out in 2013 indicate that 53% of students who are enrolled in class 5 are unable to comprehend a paragraph that was written in class 2. This information was gleaned from the results of the study. About 74% of pupils enrolled in class 5 could not solve a division problem given to them in class 3. This indicates that they lacked the numerical literacy necessary to complete the assignment.

According to the findings of the Program for International Student Assessment (PISA) examination that was carried out in 2009 and was managed by the Organization for Economic Co-operation and Development, the states of Himachal Pradesh and Tamil Nadu, which are regarded as having relatively high levels of academic achievement, were rated as having the lowest levels of educational attainment on an international scale. Although both of these states are located inside the borders of India (OECD), this was the circumstance that occurred. It is through the utilization of this examination that the capabilities of pupils all around the world who are 15 years old in the areas of critical thinking and quantitative analysis are examined. Among the 74 regions that took part in the study, Kyrgyzstan was the only one to get a higher score than the two Indian states in both the reading and mathematics assessments. The enhancement of learning is becoming the primary emphasis of education policy as a direct outcome of the quality measures that have been implemented. The twelfth 5 years plan makes the important point that "Improving learning outcomes is crucial for inclusive growth; thus, a major focus of the twelfth plan will be on measuring and improving learning outcomes for all children, with a clear recognition that increasing inputs (number of schools, classrooms, and teachers, etc.) will not be sufficient to ensure quality education for all children."

Parents in low-income communities have more alternatives to choose from when it comes to their children's education as the number of inexpensive private schools

continues to increase. According to statistics conducted by ASER, the percentage of individuals in rural India enrolled in private schools has increased from around 19% in 2006 to approximately 29% in 2013. The proportion of students attending private primary schools throughout the country climbed from around 28% to roughly 35% between 2007 and 2012. This upward trend occurred across the country. On the other hand, the government continues to be the principal organization responsible for providing education throughout the country (Barrera-Osorio, F., Patrinos, H. A., & Wodon, Q. 2009). To guarantee that all persons have access to education, that all individuals get the same education, and that the quality of education is increased, the government school system must discover a mechanism to fulfill these objectives.

In a PPP context, the public and private sectors collaborate to enhance the system's effectiveness, develop innovative ideas, and establish roles and responsibilities. They use both the expansive government system and the inventiveness of the business sector to improve the educational system as a whole.

"Arrangements in which the private sector provides infrastructure, assets, and services that the government has traditionally provided." That's how the OECD defines private-public partnerships. PPPs aim to improve service delivery by combining public and private resources in a more efficient, innovative, and accountable way than pure privatization. They are formal agreements that provide a fairer risk transfer between the two sectors. However, privatization is characterized as "the permanent transfer of control." It can happen when a public agency sells its ownership stake to a private party or a public sector shareholder gives up its right to participate in a capital increase.

Why PPPs in Education

The quality of educational services is enhanced as a whole thanks to PPPs. The system is improved by merging public and private sector resources, allowing more efficient use.

It is important to note that PPPs in education have distinct features in contrast to other fields, such as infrastructure development. (Barrera-Osorio, F., Guaqueta, J., & Patrinos, H. A. 2012) When it comes to the sector of education, PPPs are characterized by one or more of the following features:

- Without the possibility of cross-subsidization, the primary focus should be on providing services to the destitute.
- Given that schools can only collect fees under specific conditions, generating money or a return on investment is impossible.
- Complex monitoring mechanisms with consequences that may not be seen for some time, such as better learning outcomes.
- Most of the money spent on education goes toward paying teachers; thus, there are a lot of operational and maintenance costs compared to capital expenditures.

The participation of private entities in providing educational services does not indicate that the government will completely withdraw from the provision of educational services. Rather, it suggests that the government's function is shifting from that of an administrator to that of a facilitator and regulator that is evolving. When PPPs in education are properly implemented, they have the potential to cause positive disruption in the government system and may result in the following outcomes:

- Developing exemplary models of performance
- addressing access issues that have not been addressed, particularly in secondary school
- Creating a competitive environment between various governmental and commercial service providers.

Regarding education, PPPs have many good characteristics. However, one of the most crucial is the creation of innovative models that can be replicated. The main purpose of these collaborations is to raise the bar for educational achievements nationwide. They can also fix the problems of unequal access to and treatment inside the publicly financed educational system. The issues India is experiencing in its educational system can be addressed via PPPs. Following is an examination of these difficulties:

Widen Access to Education and Improve Utilization of Existing Assets

Expanding access to education, especially at the secondary level, in rural India still faces many infrastructure-related challenges. Through PPPs, the government may increase its capacity to build new schools, which can help improve educational opportunities for everybody. Since many parents send their children to private schools, public school systems in large cities are not making the most of their available resources. There is hope that public-private partnerships might help urban areas better use their infrastructure resources and breathe new life into their public school systems.

Lift the Quality of Education

PPPs can potentially bring about innovations and capabilities within the government system. There would be a great deal of systemic significance to PPP initiatives in education if they operated under and received financing equivalent to that of public schools. There is more room for innovation and the introduction of more effective management and instructional strategies when private providers are involved.

Increase Choice for Low-income Parents

Many parents are withdrawing their children from the public education system. The majority of schools that the government manages are vernacular mediums. Hence, the desire of parents to teach their children English is one of the primary reasons why they choose not to enroll their children in the government system. Recent information suggests

that the number of students attending schools that use the English language has grown by more than 250% over 8 years nationally. It is worth noting that English medium schools have seen an uptick in enrolment in the Mumbai, Chennai, Pune, and Bangalore municipal school systems. The trend of declining enrolments in public schools starkly contrasts this. By establishing PPP schools, especially those with high-quality English teaching, governments may allow parents to attend a school of their choice while still being enrolled in the public school system.

Strengthen Accountability in the Government System

Because PPP schools are required to adhere to stringent performance requirements, they provide a higher level of accountability to the public school system. Parents start to anticipate a more transparent assessment of educational standards, and both the public and private school systems are obligated to take action in response to the growing demand for increased accountability.

Judicial Approach: Right to Education

Education is one of the most crucial ways to teach individuals how to behave as responsible citizens. A person who does not attend school appears to be more like a body devoid of a soul. An education enables a person to integrate into any part of society, regardless of background. The person's intellect is nourished by education. A person is unable to lead a respectable life if they do not have an education (Ron-Balsera, M., & Marphatia, A. A., 2012). Not only should education be regarded as a means of securing employment, but it should also be regarded as a means of acquiring information that will assist individuals in standing tall in the eyes of society. In addition, education gives people the impression that they are responsible for their well-being. Following Article 21A of the Constitution of India, every individual has an innate right to get access to educational opportunities.

With the passage of the Right of Children to Free and Compulsory Education Act in 2009, the government of India made it possible for the children of India to exercise this right from that point forward. In days gone by, the judicial system was responsible for expounding upon and upholding the principle of the rule of law. It has been well-deserved that the reputation of being the guardian of people's fundamental rights has been maintained. The citizens of India have the right to skip inferior courts and proceed directly to the Supreme Court (Article 32) or the High Court (Article 226), depending on the gravity of their case. This privilege is guaranteed by Article 32. It is the responsibility of the state or federal government to offer a public primary education that is both free and mandatory for students between the ages of 6 and 14. The government may be subject to legal repercussions if they do not comply with this requirement. The government should take the

necessary steps to ensure that everyone has equal access to educational opportunities. The provisions of the RTE Act were attempted to be implemented in various ways by the judiciary, which is considered one of the most essential components of a democratic system (Takmazyan, A. S., Rukina, S. N., Samoylova, K. N., & Gerasimova, K. A. 2019).

"The Indian Judiciary has given life and individual liberty more meaning *via* some decisions. According to the Supreme Court, our right to an education is among our most basic liberties. Francis Corraile Mullin v. Administration, Union Territory of Delhi is an opinion in which the United States Supreme Court elaborated on the definition of "right to life" in various rulings. The court ruled that having the right to live does not mean having to live in a degrading manner but rather that one should have a life worthy of dignity. This shows that animals have lives, but it doesn't mean they should be allowed to live.

Conversely, the right to life includes the availability of enough food, clothing, and housing and the freedom to read, write, and freely express one's ideas without hindrance. On top of that, it includes not having one's movement restricted in any way. The right to education has been deemed essential for one's survival by the Supreme Court since no one can lead a meaningful life without it. A person's grasp of how to live their life and the wisdom to make better decisions are both enhanced by education. Access to quality education is an essential component of the right to life.

In *Bandhua Mukti Morcha v. Union of India*, According to the Supreme Court of India, the right to education is inextricably linked to the right to life, protected by Article 21 of the Indian Constitution. This is a position that continues to be supported by the court. When the court examined the relationship between the right to human dignity in life and the directive principle of state policy, it made it abundantly clear, particularly in clauses (e) and (f) of Article 39, as well as in Articles 41 and 42, that the right to human dignity in life, which is mentioned in Article 21, is fundamentally derived from the directive principle of state policy. Consequently, the court emphasized that for a person to have the right to a dignified living, they must have access to a quality education and suitable learning conditions.

In *Bauji Education Association v. State*, the right to an education is one of the most fundamental rights that every Indian person has, according to the court. Every person has an inherent right to exist and to be free from arbitrary interference, as stated in Article 21. While "personal liberty" may mean many things, one of the most important is access to quality education, in my opinion. A decent and dignified existence is unattainable for those not pursuing education. A nation's personal and national growth depends on its educational system.

One of the most important parts of every state is its judiciary, which ensures everyone has access to fair

economic and social treatment. The many brave rulings made by India's highest court, the Supreme Court, and its lower courts demonstrate the country's system of autonomous judiciary. In most cases, the public benefited from previous decisions issued by the highest court in the land. Since the Right of Children to Free and Compulsory Education Act of 2009 went into effect, the Supreme Court and the High Court have issued some rulings concerning the educational facilities available to children whose parents cannot pay to send them to school. The right to education is incorporated in the right to life and personal freedom protected by Article 21 of the Constitution of India, according to a series of verdicts that the Supreme Court of India has handed down (Srivastava, P. 2013). In light of the rulings made by the courts, it is abundantly clear that education is necessary for the intellectual development of an individual. Members of India's minority groups are granted the right to education and the autonomy to organize and administer their educational institution, as stated in Article 30 of the nation's. Courts are responsible for ensuring that these rights are protected."

Minorities and Right to Education

The minorities were given the assurance by the Honorable Dr. Rajendra Prasad because:

The judicial system is one of a state's most essential components since it ensures that social and economic justice is maintained consistently. The many brave rulings made by India's highest court, the Supreme Court, and its lower courts demonstrate the country's system of autonomous judiciary (de Koning, M., 2018). In most cases, the public benefited from previous decisions issued by the highest court in the land. Since the Right of Children to Free and Compulsory Education Act of 2009 went into effect, the Supreme Court and the High Court have issued some rulings concerning the educational facilities available to children whose parents cannot pay to send them to school. The right to education is incorporated in the right to life and personal freedom protected by Article 21 of the Constitution of India, according to a series of verdicts that the Supreme Court of India has handed down. The court decisions show that education is essential for a person's intellectual growth. The right to education and the autonomy to form and direct one's educational institution is guaranteed to members of India's minority communities in Article 30 of the country. The court ensures the protection of these rights.

Protection of Interest of Minorities

It is only fair that any ethnic group in India or any part of it that speaks its language and practices its own distinct culture be allowed to keep these things alive.

No person may be denied admission to a publicly funded or privately run school based on religion, race, caste, language, or any combination of these characteristics.

Right of Minorities to Establish and Administer Educational Institutions

Earlier, we saw that the freedom to form and control schools is a basic right guaranteed by the Constitution. Texts such as Article 19(l)(g), Article 6, Article 26(a), and Article 30 (1) confer this power. The Constitution has a provision addressing profession, occupation, trade, and commerce in Article 19(1)(g). While there is some common ground across the fields, each has something special to teach us. When it comes to helping others, teaching is seen as an independent action. Until now, education has not been seen as a business or profession driven primarily by profit. If the question of whether teaching is a profession remains open, using the word "occupation" suggests that it most certainly is. What people do for a job or feel has meaning in their lives is what we call their profession. Although no element of profit generation is involved, establishing an educational institution that employs many people as teachers or administrative staff is inherently an occupation. This is because it consists in carrying out an activity that results in the students receiving an acknowledgement (Tilak, J. B., 2010).

In their ruling on the T.M.A. Pai Foundation, the eleven members of the Constitutional Bench made it clear that everyone has the right, as stated in Article 19(l)(g), to create their educational institutions. This is true regardless of how clear it may be that teaching is a vocation. The word "occupation" seems to take on more weight when one considers their level of education. To a similar extent, the Constitutional Bench ruled that Article 26(a) allows members of any religious denomination, including the majority religious denomination, to create a school. It was not apparent whether Articles 19(l)(g) and 26(a) applied to educational institutions before the litigation concerning the T.M.A. Pai Foundation. The right to find and maintain a school of one's choosing is guaranteed to all citizens under Article 19(a)(g). At this point, it is obvious that this is true (Akyeampong, K., 2009). However, this authority was bestowed upon a religious sect or group of individuals under Article 26(a) to state it plainly. Contrarily, Article 19(l)(g) gives every person the right to create and govern educational institutions. In contrast, Article 26(a) provides the same rights to groups.

Article 30(1) states that religious and linguistic minorities could build and manage their educational institution. This was in addition to the rights that were specified in the paragraphs that came before it. As a result, this privilege may be divided into two parts:

- The freedom to create and
- Freedom to run any school they choose.

In *Azeez Basha v. Union of India*, in their ruling on the T.M.A. Pai foundation, the eleven members of the Constitutional Bench made it very clear that everyone has the right to create

their educational institutions, as stated in Article 19(l)(g). This is true regardless of how clear it may be that teaching is a vocation. The word "occupation" seems to take on more weight when one considers their level of education. To a similar extent, the Constitutional Bench ruled that Article 26(a) allows members of any religious denomination, including the majority religious denomination, to create a school. It was not apparent whether Articles 19(l)(g) and 26(a) applied to educational institutions before the litigation concerning the T.M.A. Pai Foundation. The right to find and maintain a school of one's choosing is guaranteed to all citizens under Article 19(a)(g). At this point, it is obvious that this is true. However, this authority was bestowed upon a religious sect or group of individuals under Article 26(a). To state it plainly. Everyone has the right to find and run their school, as indicated in Article 19(l)(g), and groups can do the same, as shown in Article 26(a) (Patrinis, H. A., Osorio, F. B., & Guáqueta, J., 2009).

The Right of Children to Free and Compulsory Education Act, 2009 and Judiciary

"In front of the Supreme Court, certain schools have argued that the reservation of seats for children who are economically and socially disadvantaged is "unconstitutional" and violates the basic rights of private schools that do not get support from the government. These schools have argued that this violates the fundamental rights of private schools without government aid. Within the framework of the social order, the Supreme Court *Un-Aided P. School Rajasthan v. U.O. I*. The court decided that minority schools that did not get any help from the government would not be subject to the provisions of the Right to Education Act. If the right to establish and operate such schools is derived from the right to maintain the language, script, or culture that these unassisted minority schools have, then the majority of people concluded that reserving twenty-five per cent of the seats in these schools would result in a change like the schools (Languille, S., 2017). Most people who came to this conclusion believed the schools would be altered. Therefore, the privilege that Article 30 grants to these institutions is violated by the Act of 2009, which includes Section 12 (1) (c). (1) a. The Bench stated that the act was created with the crucial purpose of Universal Elementary Education in mind: to reinforce the social fabric of democracy by providing everyone with the same possibilities. This was mentioned while the Bench was upholding the Act for other people. The state is granted the authority and responsibility to ensure that the only schools permitted to remain open are those supported by the government and in compliance with the regulations and requirements. Specifically, this is done to guarantee that students attending the neighborhood school receive an education that is both free and required.

Justice K.S. Radhakrishnan said, contrary to the majority's opinion, that the act's objective and purpose were

appropriate. This means that if the aim is to make primary school education more socially inclusive, then how it is carried out is inappropriate and violates the Constitution. Regarding the fundamental rights that are secured by Clause (1), the law makes it abundantly apparent that the state is not permitted to go beyond Clauses (2) to (6) of Article 19 of the Constitution of the United States. This is because Clause (1) ensures an unrestricted and unrestricted right that can only be curtailed reasonably. According to Article 21A, non-state actors are responsible for safeguarding children's socio-economic rights on their behalf. This indicates that they are unable to violate or infringe upon such rights. (Steiner-Khamsi, G., & Draxler, A. (Eds.), 2018)

The court continued, stating, "The State, however, cannot get out of its obligations under Article 21-A by passing them on to private state actors like private schools that don't get any help from the state or by forcing them to do what the state says." By assisting children in enhancing their skills, learning, and other talents, as well as their feeling of human dignity, self-esteem, and confidence, and by respecting their constitutional rights, private schools are obligated to provide children with greater autonomy. It is impossible for children who choose to attend a private school without government assistance to exercise this right against that institution. This is because Article 21A prohibits private schools from being required to offer free and mandatory education to their students. It seems obvious that children who choose to attend a private school that does not get any funding from the government have the right to file a lawsuit against the government. The school has the right to do the same (de Koning, M., 2018).

As a result of its decision regarding the validity of the Right to Education Act of 2009 and the reservation of seats for students from the economically weak section (EWS) and the socially disadvantaged (S.D.), the Supreme Court made the correct decision. The arguments against segregation and in favor of diversity in schools have long been decided in worldwide education discussions. In reality, the debates have moved on to other topics. Because of the significant discrepancies in India and the widening divide between public and private schools, it may be even more necessary to ensure that schools are accessible to learners of all backgrounds. (Robertson, S., Mundy, K., & Verger, A. (Eds.), 2012) This does not imply that enforcing the rule will not be challenging for all parties involved, including school officials, instructors, parents, and students. However, all of the Act's requirements were maintained by the Supreme Court, which will assist the government in enforcing the law and ensuring that pupils from low-income families can get a quality primary education.

In *Vikas Sankhala v. Vikas Kumar Agarwal*, As a result of a decision made by the Supreme Court, the state of Rajasthan was granted the authority to reduce the minimum number of points required to pass the teacher eligibility test (TET)

specifically for applicants belonging to specific classes. In its decision, the Supreme Court stated that the basic criteria for employing a teacher were established under section 23 of the Right of Children to Free and Compulsory Education Act, 2009, and notification from the National Council of Teachers of Education dated August 28, 2010. Additionally, the TET was declared a condition for candidates. It is up to each state to determine whether or not to reduce the proportion of marks that candidates in restricted categories receive. The NCTC has left this decision up to the states. As a direct consequence, the Rajasthan government reduced the TET scores for such applicants by 10 to 20%. The person who submitted the petition argued against it because it violated the Right to Education Act of 2009 and did not maintain equity (Vergar, A., Moschetti, M. C., & Fontdevila, C. 2021). The Supreme Court of India has declared that the letter sent by the government of Rajasthan on March 23, 2011, which reduced the minimum score required to pass the TET examination for students in specific classes, is legal and legitimate per the law. A further statement by the court was that applicants declared to have passed after the reduced criteria of marks were applied are eligible to participate in the hiring and selecting procedure that the state government conducts.

In *Society of St. Mary's School v. Pune Zilla Parishad*, The Bombay High Court has said that educational institutions that cater to minority groups are exempt from the provisions of section 12(1)(c). Every academic institution that falls into a specified category or isn't getting any support is required to take 25% of the children from disadvantaged groups and weaker sections who are enrolled in class I, as stated in section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009. This provision was added in 2009. Concerns were raised over the admissions procedure utilized by minority universities that did not adhere to the 25% criterion in this particular instance. The petitioner, on the other hand, attempted to contend that the RTE Act of 2009 did not apply to such institutions since members of minority groups managed them. In this instance, the court concluded that because members of underrepresented groups administer these educational institutions and do not receive any funding from the government, section 12(1)(c) does not apply to them. This indicated that the admissions method these universities utilized was within the law's bounds (Rose, P., 2013).

In the Bombay High Court, it was decided that the school that allowed 25% of the pupils to enroll was admissible, *Uran Education Society v. State of Maharashtra*. Individuals who are members of disadvantaged groups and weaker sections, as well as those who provide free education, even in preschool or nursery, are eligible to receive the money returned from the appropriate government. This indicates that section 12(2) provisions apply to both preschool and

primary education similarly. There is a provision in Section 12(2) that states that any school that allows 25% of its pupils to enroll in class I is eligible to receive reimbursement from the appropriate government. We must pay the costs if we utilize the 25% admission formula for a preschool or nursery school, as stated in Section 12(2) of the Right to Education Act of 2009. The RTE Act of 2009 makes it very clear that it addresses the topic of basic education, which is defined as education for children between the ages of 6 and 14 (Robertson, S. L., & Verger, A., 2012). The implication is that it is the government's responsibility to ensure that every kid between the ages of 6 and 14 receives free and mandatory education and that they should make every effort to enroll the child in preschool. The RTE generally does not offer free education at the preschool level like other educational programs do. However, if we apply section 12(1)(c) to the preschool, then section 12(2), which offers reimbursement of expenditures, applies automatically to institutions that provide preschool education. This applies to expenses spent by 25% of individuals who belong to disadvantaged groups and weaker sections."

Judicial Interpretation on Appointment of Teachers

According to Article 30(1) of the Constitution, one of the most significant aspects of administering to minority educational institutions is the appointment of the principal and teaching and non-teaching personnel. The administration of minority educational institutions is the department that is entrusted with the real power of the section of the principal, academic staff, and non-academic personnel. Neither the government nor the institution has the authority to reduce the intensity of this managerial power. (Malik, Allah Bakhsh, 2010)

In *DAV College v. State of Punjab*, following Article 30(1), a condition that stipulated that any employment of instructors at a college would be subject to the approval of the Vice-Chancellor was deemed illegal. Like the previous example, the court ruled that a condition stipulating that the section committee must have a person nominated by the vice chancellor constitutes a violation of Article 30(1). The controlling body of the minority educational institution is responsible for selecting the principal or headmaster, just as they are responsible for choosing the academic staff.

Salary and Service Conditions of Teachers

It is necessary to offer them a minimum pay scale and other service perks, as well as to spell out protections that must be met before they are withdrawn from services, to recruit teaching faculty that is both competent and efficient.

Frank Anthony Public School Employees Association v. Union of India is an important case about this issue. Workers at the minority-serving, independently funded Frank Anthony School filed the petition. They wanted all employees, regardless of position, to access the same pension, medical benefits, medical allowances, provident

fund, and other perks as those at different public and private schools. The petitioners were requesting these perks from the school administration. Article 14, which ensures equal treatment under the law, is violated since this situation is discriminatory. The Delhi School Education Act, 1973's Section 12, was declared unconstitutional by the Supreme Court of India due to its violation of Article 14 of the Constitution. The simple reason is that minority-serving schools are no longer eligible for funding under the federal merit system. The court also found that the necessity to get the Director of Education's consent before suspending or firing an employee from a minority school is compatible with Article 30(1).

In the case of the TMA Pai Foundation, the Supreme Court decided that a fair domestic inquiry must be undertaken to take disciplinary action against personnel working in educational institutions. Based only on the outcome of the disciplinary investigation, the management will have the authority to take the required action. In addition, the court had also given a directive to the government, instructing them to establish an educational tribunal at the district level in a state. This would allow the instructors who were dissatisfied with their respective institutions to have their complaints addressed (Shukla, N., Desai, K., & Tiwari, R., 2023).

Conclusion

The majority of schools in India are under the government's supervision. In the context of education, the Act or process of imparting or acquiring a wide range of knowledge, increasing thinking and judgment abilities, and cognitively preparing oneself or others for a mature life is called education. Every country needs to expand its educational system. However, the resources available to do so are typically limited in less developed countries. They have a difficult time providing a wide range of academic services. This has resulted in an expansion in the engagement of the private sector in the administration and financing of service operations, which includes non-governmental organizations, corporate firms, and communities. Every industry is being privatized as a result of modern society. The construction of highways, airports, and rail lines are all included in this category. These industries are no longer the only ones affected, and public-private partnerships are helping to bring in a new era of privatization.

"Over the last three decades, we have seen a worldwide increase in the number of public-private partnerships, particularly those in education. In response to India's need for a more efficient method of attending higher education, the public-private partnership model, sometimes called the grant-in-aid model, was ultimately developed. Although higher education is regarded as a "Public Good," the efficiency and fairness of society would not be improved if there was an excessive focus placed on activities based on the market and community institutions. To accomplish this

objective, educational institutions in both the public and private sectors must collaborate. As a result, the government uses PPPs to persuade non-governmental organizations (NGOs), both for-profit and non-profit alike, to provide public goods and services. This eliminates the barriers that are now present between public and private schools. The establishment of a system that monitors accountability, transparency, and quality management will be simplified as a result of this consideration."

The Right to Education was part of India's twelfth five-year plan. Every primary school kid between the ages of 6 and 14, regardless of their caste, creed, gender, or location, is guaranteed to get a quality education under this program. PPP provides public school students various benefits, including capitation allowances, stipends, subsidies, and vouchers. Even when privatization is outlawed, some countries are interested in PPPs. Additionally, they are aware that PPPs have the potential to stimulate economic growth in sectors of infrastructure development such as airports, trains, highways, and other areas. This phenomenon is also observed in different fields of study. Education is another area. The scope of PPPs is being broadened to encompass education, particularly basic education, a fundamental human right, and other areas of human development, such as health and poverty alleviation.

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