IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CNR No: PHHC010431382022

2026:PHHC:192847

—

CRM-M-49060-2022 (O&M)
Date of decision : 31.10.2026

Aarti Malhotra **...Petitioner**

Versus

Union of India and others **...Respondents**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Arpandeep Narula, Advocate with
for the petitioner.

Mr. Dheeraj Jain, Senior Advocate with
Ms. Gurmeet Sagoo, Advocate
for respondent No.1-Union of India.

Mr. Prateek Gupta, Advocate
for respondent No.2-CBI.

Mr. Beant Singh Seemar, Advocate
for respondent No.3-CBSE.

Mr. Neeraj Poswal, AAG, Haryana
for respondents No.4 to 7.

Mr. A.D.S. Sukhija, Advocate (Amicus Curiae).

MANISHA BATRA, J.*(Oral)*

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 *(in short 'Cr.P.C.')* by the mother of a 16 year old student, who ended his life on 24.02.2022, for issuance of directions to entrust the investigation of case bearing FIR No.64 dated 25.02.2022 registered under Section 306 of IPC at Police Station BPTP, District Faridabad (Annexure P-1) to the Central Bureau of Investigation *(for short*

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

'CBI') and to monitor the investigation, and further for laying down guidelines for sensitisation of the authorities and the educational institutions to prevent harassment of students belonging to the LGBTQIA+ community and for ensuring execution of such guidelines in the schools and colleges across the country.

2. At the outset, it may be noted that the son of the petitioner was a minor and the material on record contains allegations of sexual assault upon him. Keeping in view the mandate of Section 23 of the Protection of Children from Sexual Offences Act, 2012 *(in short 'POCSO Act')*, his name is not being disclosed in this judgment and he is being referred to as 'the deceased child'. For the same reason, the names of the students who are named in the material on record, and who were minors at the relevant time, are also not being mentioned.

3. Brief facts of the case as set up by the petitioner are that she is a single mother. She was working as an Art teacher at Delhi Public School, Sector 81, Greater Faridabad, since the year 2013. The deceased child was also admitted in the same school in Class 2nd and he continued to study there till Class 10th. He was a bright student having an artistic bent of mind and he wanted to become an artist and an accessory designer. According to the petitioner, his artistic inclination was misunderstood by his peers as being effeminate. From Class 6th onwards, he was called with many humiliating names and was also bullied and physically as well as sexually assaulted by a group of students within the school premises. Some of these incidents find mention in the voice recordings retrieved from his phone and in a handwritten note prepared by him, in which he named the students concerned. Copies of

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

the transcript of these recordings and the handwritten notes have been placed on record as Annexures P-2, P-3 and P-5. It is further the case of the petitioner that the deceased child was also subjected to cyber bullying through fake social media accounts, screenshots of which are Annexure P-4.

4. As per the petitioner, the deceased child started suffering from anxiety and panic attacks and he was treated at various hospitals at Faridabad and Delhi. He was certified to be suffering from Specific Learning Disability (Dyslexia) of more than 40% (Annexure P-7). On 18.08.2021, Ms. Jaya Sukul of QRG Health City, Faridabad, certified that he was suffering from Persistent Depressive Disorder and Panic Attack Disorder (Annexure P-11). On 25.09.2021, she, as a Clinical Psychologist, certified that he was suffering from Post Traumatic Stress Disorder due to sexual harassment and verbal and emotional abuse by his peers. She also advised the school to take adequate action in the matter (Annexure P-13). On 23.09.2021, the petitioner sent an e-mail to the Principal of the school naming the students who had allegedly abused, bullied and harassed her son (Annexure P-12). The case of the petitioner is that the school authorities did not take any effective action on her complaint. The Principal replied after more than a month that the main students named by her had already left the school and there was no evidence to take action against the other children, though the request for providing a scribe to her son was accepted.

5. It is the further case of the petitioner that during the Class 10th Board examinations held in February, 2022, no scribe was provided to the deceased child in his first examination held on 16.02.2022. On the same day, he informed the Headmistress through a message that he would drop the year

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

as the school was not willing to help him (Annexure P-17). On 21.02.2022, during the Science examination, the Headmistress allegedly kept pressing him to attempt the numerical questions despite his condition. She allegedly also told him that there was nothing like mental illness and that he and his mother were taking undue advantage of his problems. On the evening of 24.02.2022, the deceased child jumped from the roof of the residential society where they were living and died. He left behind a suicide note in which he wrote that the school had killed him and he specifically named the Headmistress and the higher authorities of the school (Annexure P-18).

6. On the statement of the petitioner, the FIR in question was registered on 25.02.2022 under Section 306 IPC. The Headmistress was arrested and she was granted regular bail by the learned Sessions Judge, Faridabad, vide order dated 07.03.2022 (Annexure P-19). The petitioner thereafter filed a petition before this Court for cancellation of that bail (Annexures P-20 and P-21). As per the petitioner, a Special Investigation Team was constituted on 05.03.2022 and she handed over the recordings and other material to the police. On her representation, the offences under Sections 6, 8, 18 and 21 of the POCSO Act were also added during investigation. In the reply filed by the State in the anticipatory bail application of the Principal of the school, it was stated that an offence under Section 21 of the POCSO Act was prima facie made out against the Principal, as she had dealt with the complaint dated 23.09.2021 on her own and had not informed the police about it (Annexure P-23).

7. The grievance of the petitioner, as raised in this petition filed in October, 2022, is that the investigation was being conducted in a casual and

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

biased manner. She has also alleged that no recovery of mobile phones or other electronic devices was effected from the accused and that the school authorities have been proceeded against only under Section 21 of the POCSO Act, which is a bailable offence, despite their omission amounting to abetment under Section 16 of that Act. The petitioner has further submitted that schools in India have become unsafe for children belonging to the LGBTQIA+ community. As per the petitioner, there is no proper sensitisation of teachers, counsellors and students, and appropriate guidelines need to be laid down and enforced to prevent such harassment in future.

8. Notice of the petition was issued. A status report by way of affidavit of the Assistant Commissioner of Police, Central Faridabad, has been filed on behalf of respondents No.6 and 7. It is stated that after a thorough investigation, the final report under Section 173 Cr.P.C. was submitted in the trial Court on 06.12.2022. On this basis, it is prayed that the petition has been rendered infructuous and is liable to be dismissed.

9. On 02.11.2023, learned Senior Counsel for the petitioner made a statement before this Court that the petitioner does not press her prayer for entrusting the investigation of the case to the CBI. However, she pressed the other directions prayed for against the respondent-authorities. Mr. A.D.S. Sukhija, Advocate, has been assisting the Court as Amicus Curiae.

10. In compliance of the notice issued on 20.01.2026, reply has been filed on behalf of respondent No.1-Union of India through the Under Secretary, Department of School Education and Literacy, Ministry of Education. It is stated that the Ministry issued Guidelines on Safety and Security of Children in Schools to all the States vide D.O. letter dated

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

09.10.2014 (Annexure R-1). Further letters were issued on 01.09.2017 and 11.09.2017 for compliance of the directions of the Hon'ble Supreme Court on school safety (Annexures R-2 and R-3). It is further stated that comprehensive Guidelines on School Safety and Security were framed and circulated to all the States and Union Territories on 01.10.2021 (Annexure R-4). These guidelines contain an accountability framework, provisions on psycho-social safety and the roles and responsibilities of the school management and the students. The reply further refers to the training module titled 'Integrating Transgender Persons Concerns in Schooling Processes' developed by NCERT in May, 2025, and to the Manodarpan initiative. These measures are stated to address the mental health and well-being of all students, including those belonging to the LGBTQIA+ community. Reference has also been made to the judgment of the Hon'ble Supreme Court in ***Sukdeb Saha v. State of Andhra Pradesh and others, 2025 INSC 893***.

11. A short reply has also been filed on behalf of respondent No.3-Central Board of Secondary Education (in short 'CBSE'). It is stated that CBSE is an autonomous body whose primary mandate is to conduct examinations at the secondary and senior secondary levels and to grant affiliation to schools. It has no role in the investigation of criminal cases. The affiliated schools are bound by its bye-laws and circulars, and CBSE has issued guidelines from time to time for prevention of bullying and ragging in schools, including Circular No.Acad-17/2015 dated 09.03.2015 (Annexure P-15). It is prayed that CBSE is neither a necessary nor a proper party and its name be deleted from the array of respondents.

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

12. Learned counsel for the petitioner has argued that the deceased child was subjected to sustained bullying, harassment and sexual assault in the school over several years only on account of his perceived sexual orientation and gender expression. The school authorities were repeatedly informed about it through the petitioner, the counsellors and the treating Psychologist. However, they did not take any timely or effective action and instead blamed the child and his mother. The suicide note clearly reflects the reason for which the child took the extreme step. The investigating agency acted in a lackadaisical manner and delayed the filing of the final report. The CCTV footage has not been preserved and the electronic devices of the accused have not been seized. The role of the school authorities has been diluted by invoking only Section 21 of the POCSO Act. In these circumstances, the investigation needs to be monitored by this Court. Learned counsel has further argued that the anti-bullying measures existing on paper are not implemented in practice. They also do not specifically address the vulnerability of children belonging to the LGBTQIA+ community. The schools do not have adequate counsellors and no ratio of students to counsellor has been prescribed. Teachers and counsellors are also not sensitised to deal with such children. Reference has also been made to the suggestions made in the petition regarding sensitisation, training of counsellors and inclusion of suitable content in the curriculum. To buttress the arguments, learned counsel has relied upon the authorities cited as ***Navtej Singh Johar v. Union of India, (2018) 10 SCC 1***; ***National Legal Services Authority v. Union of India, (2014) 5 SCC 438***; ***Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1***; ***Vishwa Jagriti Mission v. Central***

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

Government, (2001) 6 SCC 577 and ***Babubhai Jamnadas Patel v. State of Gujarat, (2009) 9 SCC 610***.

13. Learned State counsel has argued that the investigation in the case stands completed and the final report under Section 173 Cr.P.C. has already been filed before the competent Court. The case is now at the stage of trial. Thus, no direction for monitoring of the investigation is called for and the petition has become infructuous. Learned counsel for respondent No.1-Union of India has argued that a comprehensive framework for the safety, security and mental well-being of students is already in place. It includes the Guidelines on School Safety and Security, 2021, the NCERT training module and the Manodarpan initiative. The guidelines issued by the Hon'ble Supreme Court in ***Sukdeb Saha's case (supra)*** are also being implemented through the States and Union Territories. Learned counsel for respondent No.3-CBSE has argued, on the lines of its reply, that CBSE has already issued anti-bullying guidelines to its affiliated schools and it has no role in a criminal investigation. No relief can, thus, be claimed against it.

14. Learned Amicus Curiae has assisted the Court in examining the issue in a great way.

15. This Court has heard the rival submissions at considerable length, besides going through the material placed on record.

16. Before adverting to the prayers made in the petition, this Court must note the circumstances in which this petition has been filed. A mother has lost her only child, who was 16 years of age. As per the record, he had been under treatment for depression, panic attacks and post traumatic stress for several months before his death. The certificate of the treating

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

Psychologist dated 25.09.2021 (Annexure P-13) had specifically advised the school to take adequate action. Whether the persons arrayed as accused are criminally liable for the death of the child is a matter which will be decided by the competent Court on the basis of the evidence led before it. This Court is, therefore, not expressing any opinion on that aspect. Nonetheless, the material placed on record raises serious questions about the manner in which complaints of bullying and harassment of a vulnerable child were dealt with by the school. It is in this background that the remaining prayers of the petitioner are being considered.

17. So far as the first prayer for transfer of the investigation to the CBI is concerned, the same was given up by learned counsel for the petitioner on 02.11.2023. Therefore, the said prayer is dismissed as not pressed. As a consequence, nothing survives against respondent No.2-CBI.

18. The second prayer of the petitioner is for monitoring of the investigation. As per the status report, the investigation stands completed and the final report under Section 173 Cr.P.C. was filed before the competent Court on 06.12.2022. It is settled law that once the charge-sheet is filed in the competent Court, the process of monitoring of the investigation by the superior Court comes to an end. Thereafter, it is the Court in which the charge-sheet has been filed which has to deal with all matters relating to the trial, including the matters falling within the scope of Section 173(8) Cr.P.C. This principle was laid down in ***Vineet Narain v. Union of India, (1998) 1 SCC 226*** and it was reiterated by the Hon'ble Supreme Court in ***Narmada Bai v. State of Gujarat and others, (2011) 5 SCC 79***. The relevant part of the judgment in ***Narmada Bai's case (supra)*** reads as under:-

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

> "(b) In Sushil Kumar Modi (supra), this Court observed that the monitoring process in the High Court in respect of the particular matter had come to an end with the filing of the charge-sheet in the Special Court ... By relying on decision in Vineet Narain's case (supra), this Court reiterated that **once a charge-sheet is filed in the competent court after completion of the investigation, the process of monitoring by this Court for the purpose of making the CBI and other investigating agencies concerned perform their function of investigating into the offences concerned comes to an end; and thereafter it is only the court in which the charge-sheet is filed which is to deal with all matters relating to the trial of the accused, including matters falling within the scope of Section 173(8) of the Code.**
>
> xxx xxx xxx
>
> The above decisions make it clear that though this Court is competent to entrust the investigation to any independent agency, once the investigating agency complete their function of investigating into the offences, it is the Court in which the charge-sheet is filed which is to deal with all matters relating to the trial of the accused including matters falling within the scope of Section 173(8) of the Code. Thus, generally, this Court may not require further monitoring of the case/investigation."

19. It is true that the inherent power of the High Court under Section 482 Cr.P.C. is not curtailed by Section 173(8) Cr.P.C. In an exceptional case, the High Court may direct fresh investigation or re-investigation even after the filing of the charge-sheet, if it is satisfied that the same is necessary to secure the ends of justice. Reliance in this regard can be placed upon ***State of Punjab v. Central Bureau of Investigation and others, (2011) 9 SCC 182***. However, the Hon'ble Supreme Court cautioned in that very judgment that

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

such power has to be exercised sparingly and only in extraordinary situations. In the present case, the petitioner herself has not pressed her prayer for investigation by an independent agency. Her remaining grievances relate to the non-preservation of the CCTV footage, the non-seizure of the electronic devices of the accused and the provisions of the POCSO Act under which the school authorities ought to have been proceeded against. These are matters which can be effectively raised before the trial Court. The power of the Magistrate to direct further investigation remains available even after cognizance has been taken, till the charges are framed. Reference can be made to an authoritative pronouncement of a three-Judge Bench of the Hon'ble Supreme Court in ***Vinubhai Haribhai Malaviya and others v. State of Gujarat and another, (2019) 17 SCC 1***. The relevant observations read as under:-

> "38. ... What is not given any importance at all in the recent judgments of this Court is Article 21 of the Constitution and the fact that the Article demands no less than a fair and just investigation. To say that a fair and just investigation would lead to the conclusion that the police retain the power, subject, of course, to the Magistrate's nod under Section 173(8) to further investigate an offence till charges are framed, but that the supervisory jurisdiction of the Magistrate suddenly ceases mid-way through the pre-trial proceedings, would amount to a travesty of justice, as certain cases may cry out for further investigation so that an innocent person is not wrongly arraigned as an accused or that a prima facie guilty person is not so left out. **There is no warrant for such a narrow and restrictive view of the powers of the Magistrate, particularly when such powers are traceable to Section 156(3) read with Section 156(1), Section 2(h), and Section 173(8) of the CrPC, as has**

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

> **been noticed hereinabove, and would be available at all stages of the progress of a criminal case before the trial actually commences.** ..."

20. In view of the above position of law, the prayer for monitoring of the investigation has been rendered infructuous. However, the petitioner, being the mother of the victim and the informant, is at liberty to raise her grievances regarding the deficiencies in the investigation before the competent Court.

21. The remaining prayers of the petitioner are for laying down guidelines for sensitisation of the authorities and the educational institutions, so as to prevent harassment of students belonging to the LGBTQIA+ community, and for ensuring execution of such guidelines in the schools and colleges across the country. This Court is conscious of the fact that the inherent power under Section 482 Cr.P.C. is meant to give effect to an order under the Code, to prevent the abuse of the process of any Court or otherwise to secure the ends of justice. It is not a power to frame policy for the educational institutions of the entire country. Many of the institutions to which such guidelines would apply are not before this Court. A large number of them are also situated beyond the territorial jurisdiction of this Court. The specific suggestions made in the petition, such as gender-neutral washrooms, a gender-neutral uniform code and the inclusion of particular chapters in textbooks, are matters of educational policy. These fall within the domain of the executive and the expert bodies concerned. Nonetheless, the issue raised by the petitioner relates to the right to life and dignity of school children under Article 21 of the Constitution of India. Hence, it would be appropriate to examine whether there is any vacuum in this field which needs to be filled.

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

22. A perusal of the record shows that the field is not unoccupied. CBSE has issued Circular No.Acad-17/2015 dated 09.03.2015 to the heads of all its affiliated institutions on prevention of bullying and ragging in schools (Annexure P-15). It defines bullying to include verbal abuse, unwanted attention and advances, spreading of malicious rumours and cyber-bullying. It requires the constitution of an Anti-Bullying Committee in every school and provides for counsellors and a confidential reporting system. It also prescribes a graded system of action against the students found guilty of bullying. Paragraph 2 of the said circular, which is relevant, reads as under:-

> "2. Schools must create an amiable environment and positive school climate where learning can take place peacefully. They must build a trusting, respectful relationship among students, school administration and families. **They should provide a confidential way for students to report about any incident which is of concern to them. Structures and procedures must be established to provide accessible, confidential, secure and effective means of reporting incidents of bullying, for victims and for bystanders who are aware of it taking place and to identify and manage incidents of bullying, including appropriate counselling and sanctions/punishments on those engaged in bullying. An Anti-Bullying Committee may be constituted in school**, comprising of Vice-Principal, a Senior teacher, School Doctor, Counsellor, PTA representative, School Management representative, Legal representative, Peer Educators etc whose roles and responsibilities would include: ..."

23. Apart from this, the Union of India has placed on record the Guidelines on Safety and Security of Children in Schools circulated in the year 2014 (Annexure R-1) and the Guidelines on School Safety and Security circulated on 01.10.2021 (Annexure R-4). The latter fix the accountability of

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

the school management in matters of safety and security of children studying in government, government-aided and private schools. They also deal with psycho-social safety and the roles and responsibilities of the school management and the students. The NCERT training module of May, 2025 and the Manodarpan initiative are also stated to address the specific concerns of transgender students and of students belonging to the LGBTQIA+ community.

24. More importantly, during the pendency of this petition, the Hon'ble Supreme Court in ***Sukdeb Saha's case (supra)*** took note of the growing crisis of student suicides in the country. The Hon'ble Supreme Court held that there is a legislative and regulatory vacuum with respect to a unified and enforceable framework for prevention of suicides of students in educational institutions. Following the course adopted in ***Vishaka v. State of Rajasthan, (1997) 6 SCC 241***, the Hon'ble Supreme Court issued binding guidelines under Article 32 of the Constitution of India. These guidelines were directed to operate as law declared under Article 141 until appropriate legislation or regulatory framework is enacted. The relevant part of the judgment reads as under:-

> "35. Keeping in view of the above, and in exercise of the powers conferred upon this Court under Article 32 of the Constitution of India for the enforcement of fundamental rights, and treating this pronouncement as law declared by this Court under Article 141, **we hereby issue the following guidelines, which shall remain in force and be binding until such time as appropriate legislation or regulatory frameworks are enacted by the competent authority.** The Guidelines are prescribed as under:
>
> xxx xxx xxx

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

II. **All educational institutions with 100 or more enrolled students shall appoint/engage at least one qualified counsellor, psychologist, or social worker with demonstrable training in child and adolescent mental health.** Institutions with fewer students shall establish formal referral linkages with external mental health professionals.

III. All educational institutions shall ensure optimal student-to-counsellor ratios. Dedicated mentors or counsellors shall be assigned to smaller batches of students, especially during examination periods and academic transitions, to provide consistent, informal, and confidential support.

xxx xxx xxx

VII. **All educational institutions shall ensure that all teaching, non-teaching, and administrative staff are adequately trained to engage with students from vulnerable and marginalised backgrounds in a sensitive, inclusive, and non-discriminatory manner.** This shall include, but not be limited to, students belonging to Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC), Economically Weaker Sections (EWS), **LGBTQ+ communities**, students with disabilities, those in out-of-home care, and students affected by bereavement, trauma, or prior suicide attempts, or intersecting form of marginalisation.

VIII. **All educational institutions shall establish robust, confidential, and accessible mechanisms for the reporting, redressal, and prevention of incidents involving sexual assault, harassment, ragging, and bullying on the basis of caste, class, gender, sexual orientation, disability, religion, or ethnicity.** Every such institution shall constitute an internal committee or designated authority empowered to take immediate action on complaints and provide psycho-social support to victims. Institutions shall also maintain zero tolerance for retaliatory actions against complainants or whistle-blowers. In

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

all such cases, immediate referral to trained mental health professionals must be ensured, and the student's safety, physical and psychological, shall be prioritised. **Failure to take timely or adequate action in such cases, especially where such neglect contributes to a student's self-harm or suicide, shall be treated as institutional culpability, making the administration liable to regulatory and legal consequences.**

xxx xxx xxx

X. All educational institutions shall maintain anonymised records and prepare an annual report indicating the number of wellness interventions, student referrals, training sessions, and mental health-related activities. This report shall be submitted to the relevant regulatory authority, which may be the State Education Department, University Grants Commission (UGC), All India Council for Technical Education (AICTE), Central Board of Secondary Education (CBSE), or as otherwise indicated.

xxx xxx xxx

36. **The above guidelines shall apply to all educational institutions across India, including public and private schools, colleges, universities, training centres, coaching institutes, residential academies, and hostels, irrespective of their affiliation.** ..."

25. A bare perusal of the above guidelines shows that the very concerns raised by the petitioner in this petition have now been addressed by the Hon'ble Supreme Court. Guideline VII mandates training of all staff to deal sensitively and without discrimination with vulnerable students, expressly including students belonging to LGBTQ+ communities. Guideline VIII mandates a confidential mechanism and an internal committee in every educational institution for redressal of bullying and harassment on the basis

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

of gender and sexual orientation. It further provides that institutional neglect contributing to self-harm or suicide of a student shall be treated as institutional culpability. Guidelines II and III deal with the appointment of qualified counsellors and the maintenance of optimal student-to-counsellor ratios. This was precisely the grievance raised by the petitioner in grounds AA and BB of the petition. These guidelines are binding on all educational institutions across the country, irrespective of their affiliation. Therefore, they cover the second limb of the prayer of the petitioner as well.

26. In view of the binding guidelines of the Hon'ble Supreme Court holding the field, no useful purpose would be served by this Court laying down a separate set of guidelines on the same subject. Rather, a parallel set of guidelines issued by this Court may create confusion in their implementation. Any further policy measure, beyond what has been laid down by the Hon'ble Supreme Court and by the competent authorities, is a matter for the executive and the expert bodies to consider. Therefore, the prayer for framing fresh guidelines cannot be accepted.

27. At the same time, the facts of the present case show that guidelines which remain on paper offer little protection to a child in distress. The CBSE circular of the year 2015 was in force throughout the period during which the deceased child is alleged to have suffered. As per the record, the school was informed about his condition by his mother and by his treating Psychologist. The real issue, therefore, is the effective implementation of the existing guidelines at the level of the schools. Respondent No.5-Department of School Education, Haryana, is the authority responsible for the schools functioning in the State of Haryana. Respondent

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

No.3-CBSE is the authority which grants affiliation to schools such as the one in question, and it is one of the regulatory authorities to which the annual reports under Guideline X are to be submitted. Directions to these respondents to ensure compliance of the binding law already declared by the Hon'ble Supreme Court do not amount to framing any new policy. Such directions only secure the ends of justice and give effect to the right of children to a safe school environment under Article 21 of the Constitution of India. For the same reason, the prayer of CBSE for deletion of its name from the array of respondents does not merit acceptance.

28. Similarly, respondent No.1-Union of India is the authority which has framed and circulated the national guidelines on school safety to all the States and Union Territories. The suggestions made by the petitioner in grounds BB and KK of the petition relate to the counsellor-student ratio, training of counsellors to deal with children of the LGBTQIA+ spectrum and sensitisation through the curriculum. These suggestions deserve to be considered by the said respondent in consultation with NCERT.

29. In view of the above discussion, this Court deems it appropriate to dispose of this in the following terms:-

(i) The prayer for entrusting the investigation of FIR No.64 dated 25.02.2022 registered under Section 306 IPC at Police Station BPTP, District Faridabad, to the Central Bureau of Investigation is dismissed as not pressed.

(ii) The prayer for monitoring of the investigation is dismissed as having been rendered infructuous, as the final report under Section 173 Cr.P.C. has already been filed. However, the

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

petitioner shall be at liberty to raise her grievances regarding the deficiencies in the investigation before the competent Court by way of an appropriate application in accordance with law. If any such application is moved, the same shall be considered and decided on its own merits.

(iii) Respondent No.5-Department of School Education, Haryana, through the District Education Officers, shall ensure that all the schools functioning in the State of Haryana, irrespective of their affiliation, comply with the guidelines laid down by the Hon'ble Supreme Court in ***Sukdeb Saha's case (supra)***, particularly Guidelines II, III, VII, VIII and X, and with the Guidelines on School Safety and Security, 2021. In particular, it shall be ensured that the mechanism and the internal committee in every school expressly cover complaints of bullying and harassment on the basis of gender, gender identity and sexual orientation. It shall further be ensured that such complaints are dealt with promptly and confidentially, and that the cases in which a cognizable offence is disclosed are reported to the police as required by law. The needful be done within a period of three months from the date of receipt of a certified copy of this judgment.

(iv) Respondent No.3-CBSE shall issue appropriate instructions to its affiliated schools situated within the territorial jurisdiction of this Court for strict compliance of its Circular No.Acad-17/2015 dated 09.03.2015 and of the guidelines laid down in ***Sukdeb***

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document

Saha's case (supra). It shall also ensure that the annual reports required to be submitted to it under Guideline X are called for and duly scrutinised, and that appropriate action is taken in accordance with its bye-laws in case of non-compliance. The needful be done within a period of three months from the date of receipt of a certified copy of this judgment.

(v) Respondent No.1-Union of India shall treat this petition, and particularly the suggestions made in grounds BB and KK thereof, as a representation of the petitioner. The same shall be considered in consultation with the National Council of Educational Research and Training, and an appropriate decision shall be taken by a speaking order within a period of six months from the date of receipt of a certified copy of this judgment. The decision so taken shall be communicated to the petitioner.

(vi) The identity of the deceased child and of the students named in the record, who were minors at the relevant time, shall not be disclosed in any record of this case made available to the public.

30. It is clarified that nothing observed hereinabove shall be construed as an expression of opinion on the merits of the case arising out of FIR No.64 dated 25.02.2022. The trial Court shall decide the same on the basis of the evidence led before it, without being influenced by any observation made in this judgment.

31.10.2026 **(MANISHA BATRA)**
Waseem R. Ansari **JUDGE**

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

MOHAMMAD WASEEM ANSARI
2026.10.31 14:18
I attest to the accuracy and
integrity of this document