

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.630 OF 2015

Sushil Sitaram Chavan

Petitioner

versus

State of Maharashtra and others

Respondents

Mr.Swaraj S. Jadhav for Petitioner.

Ms.Anjali Helekar, AGP for State.

Mr.Kiran Gandhi i/by Little & Co. for Respondents.

CORAM : MOHIT S. SHAH, C.J. AND
B.P.COLABAWALLA, J.

DATE : 4 March 2015

PC :

Not on board. Upon mentioning at 3.00 p.m., taken on board.

2. The petitioner's son Pratik Sushil Chavan, aged 15 years, is certified to be suffering from 'Leukodystrophy'. He is studying in 10th standard and final examinations for 10th standards have started. Pratik Chavan would appear for the first paper of 10th standard tomorrow i.e. 5 March 2015. By this petition, the petitioner has sought a writ directing the respondents to permit the son of petitioner-Pratik Chavan to avail the service of writer during his 10th standard examination.

3. Pratik Chavan suffers from disability. The disability evaluation report issued by Occupational Therapist of T.N.Medical College, B.Y.L.Nair Hospital of Brihanmumbai Mahanagarपालिका dated 25 September 2014 also indicates that Pratik Chavan has disability in performing activities, as weak grip strength and has difficulty in performing the co-ordinating activities including slowness in writing and performing ADL activities. He has also difficulty in doing bilat. activities. Pratik Chavan's disability is assessed at 44% of upper extremity i.e. both the hands. In view of the above, it is clear that Pratik Chavan's case is covered by the Notification No.92 issued by Maharashtra State Board of Secondary and Higher Secondary Education Regulations, 1977.

4. In view of the above facts, it is clear that Pratik Chavan would be unable to write the paper continuously for three hours. We, therefore, direct the respondents to permit Pratik Chavan, whose seat number is A214403, to avail services of a writer at the final examination of 10th standard pursuant to letter issued by St.Joseph High School dated 10 December 2014 annexed as Exhibit-E to the petition. By this letter, the school has already communicated name of Ms.Kazi Razeen Mushtaq, who is studying in 9th standard, to function as writer for Pratik Chavan.

5. The concerned school where Pratik Chavan will be appearing for examination namely Municipal School, Dongri shall also comply with this order.
6. Learned AGP and Mr.Kiran Gandhi undertake to communicate this order to all concerned.
7. The writ petition stands disposed of.
8. All concerned shall act on an ordinary copy of this order duly authenticated by Associate of this Court.

(CHIEF JUSTICE)

(B.P.COLABAWALLA, J.)

MST