

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3550 OF 2015

Shri Sai Education Society, Amravati, thr.its Secretary

-vs-

The State of Maharashtra, Ministry of Education, thr.its Secretary and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.D.I.Jain, counsel for the petitioner.
Mr.N.R.Patil, AGP for the respondent Nos.1 to 3.
Mr. VR.Mundra, counsel for the respondent No.5.

CORAM : SMT. VASANTI A. NAIK &
PRASANNA. B. VARALE, JJ.

DATE : 16.12.2015.

By this petition, the petitioner seeks a direction to the respondent No.5-School to give admission to the students studying in the petitioner-School, in the 5th standard in English or Semi English Medium. The petitioner seeks a direction to the respondent-Education Authorities to take appropriate action against the respondent No.5.

According to the petitioner, though the date for securing the forms for admission to the 5th standard was scheduled from 04/06/2015 till 06/06/2015, the respondent No.5 admitted students in the 5th standard before 06/06/2015. It is stated that though fees are not chargeable under the provisions of the Right to Education Act from certain students, the respondent No.5 is charging fees.

Shri Mundra, the learned counsel for the respondent No.5, states that the programme for admission was published in accordance with the rules and in the presence of the Education Officer, some of the formalities pertaining to admissions were completed. It is submitted that the respondent No.5 is charging

admissible amount to the students and the case of the petitioner is incorrect.

We are not inclined to decide the issue involved in this writ petition, in exercise of the writ jurisdiction. Whether the respondent No.5 had admitted the students before the cut-off date and/or whether the respondent No.5 is charging fees from the students cannot be a matter for consideration, in exercise of the writ jurisdiction. No direction could be issued against the respondent No.5 to admit the students from the petitioner-School in the 5th Standard. Such issues cannot be gone into, in writ jurisdiction, specially when the petitioner would have no *locus standi* to challenge the action of the respondent No.5 in charging fees from the students. This is not a public interest litigation and hence, the said question cannot be raised by the petitioner in this writ petition.

In the circumstances of the case, we dismiss the writ petition with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE