

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW PETITION NO.25 OF 2016
IN WRIT PETITION NO.11485 OF 2015**

BHARAT JAGNNATH JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Kailas U. More
AGP for Respondent/State : Mr. B.A.Shinde
Advocate for Respondent No.3 : Mr. S.B.Deshpande

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**CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: March 14, 2016**

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PER COURT:

1] This Review Petition seeks review of the order dated 16th December, 2015, passed by this Court in Writ Petition No.11485/2015 [Bharat Jagannath Jadhav Vs. The State of Maharashtra].

2] The learned counsel appearing for the review petitioner invited our attention to the grounds taken in the Review Petition, annexure thereto, and also the additional affidavit filed in the said Petition, and submits that, the petitioner has requested the respondent school for admission of his child in the respondent school, but the respondent school, vide letter dated 21st November, 2015, communicated the petitioner that, the respondents are

unable to accede to the request made by the petitioner to give admission to his child. He further submits that, the petitioner purchased books, note books, and as a matter of fact the petitioner's child was admitted in the school and to that effect, there was assessment of his performance by the teacher. Therefore, relying upon the documents placed on record, the learned counsel appearing for the petitioner submits that, the documents clearly establish that, as a matter of fact, the petitioner's child was admitted in the respondent school.

3] On the other hand, the learned counsel appearing for the respondent school invited our attention to the reply filed in the Petition, and also in Review Application and submits that, none of the documents placed on record would indicate that, the petitioner's son was admitted and has prosecuted studies in the respondent school. It is submitted that, the petitioner has not produced on record any documents, which can be considered as *prima facie* proof of admission of the petitioner's son in the respondent school. He further submits that, in absence of any proof in the nature of receipt, admit card, identity card issued by the respondent school or any other documents showing

that, as a matter of fact the petitioner's child was admitted in the school, this Court may not entertain this Review Petition.

4] We have given careful consideration to the submissions of the learned counsel appearing for the Review Petitioner, and the learned counsel appearing for the respondent School. This Court on 16th December, 2015, disposed of the Writ Petition. The order dated 16th December, 2015, passed in Writ Petition No.11485/2015 is reproduced herein below for ready reference:

1) Heard. After filing affidavit in reply on behalf of Respondent Nos.3 and 4, the petitioner has filed an affidavit in rejoinder. When we read the affidavit in rejoinder and perused the documents filed by the petitioner along with the said rejoinder, it is apparently revealed that the facts as mentioned in the petition are contrary to the facts as have been mentioned in the affidavit in rejoinder and the documents annexed thereto. It is revealed that in the on-line form stated to have been filled in, to be submitted to Respondent No.4-School, the petitioner has given the address of Jyotinagar; whereas in the petition, the same is stated to be of Bansilalnagar. In the said on-

line form, father and mother of the child are shown to be illiterate, which is also factually incorrect. Further, in the petition, it is the case of the petitioner that he was seeking admission for his child for 1st std.; whereas as per the information filled in in the on-line form, the admission is asked for the play-group (4 years before 1st std.).

2) For want of true and correct disclosure of the facts by the petitioner, we decline to exercise our discretion and hence reject the petition.

5] The order under review was subject matter of challenge before the Hon'ble Supreme Court in Special Leave to Appeal (C) No.1271/2016. The Hon'ble Supreme Court on 22nd January, 2016, passed the following order in the said Special Leave to Appeal:

It is submitted by the learned counsel for the petitioner that the son of the petitioner had already been admitted in the educational institution and keeping that in view, the High Court should have saved the admission at least for a year so that he could have continued with his studies.

Having perused the impugned order, we

do not find that the said aspect had been put forth or argued before the High Court.

Regard being had to the above assertion, we permit the petitioner to file an application for review within four weeks from today and if the same is preferred within the stipulated time, it shall be adverted to on merits solely on the aforesaid aspect and nothing else.

The special leave petition is, accordingly, disposed of.

6] Upon careful perusal of the copies of the documents / note books etc. placed on record, none of the documents unequivocally indicate that, the petitioner's child was admitted in the respondent school. We have carefully perused the receipts of purchase of books produced on record, and we are unable to persuade ourselves to accept the copies of the said receipts, as a proof that, the petitioner's child was admitted in the respondent school. Upon perusal of the extract from the note books, which are produced on record, we cannot gather that, the said alleged assessment of performance of the petitioner's child is done by the teachers in respondent school. Nothing is placed on record, which would lead to

the conclusion that, the petitioner's child, as a matter of fact, was admitted in the respondent school. It is not necessary for us to elaborate any further, since we are convinced on assessment of the material placed on record that, there is no conclusive document showing that the petitioner's child was admitted in the respondent school.

7] We have already made detail observations in the order under review about the conduct of the petitioner, and therefore, we do not think it necessary to repeat the same. For the reasons afore-stated, we are unable to persuade ourselves to grant any relief. Review Application sans merit, hence rejected.

Sd/-

[P.R.BORA, J.]

Sd/-

[S.S. SHINDE, J.]

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