

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION (L)NO. OF 2016
IN
CIVIL WRIT PETITION (ST) NO.14954 OF 2016

The Principal / Head Mistress	...	Applicant
RBK School, Babubhai Kanakia Foundation		Org.Respondent
Trust		

VS.

Akash Narsingh Nayak & 29 Ors. ... Petitioners

VS.

The Principal / Head Mistress ... Respondents
RBK School, Babubhai Kanakia Foundation
Trust & Ors.

Mr.Pravin Samdani a/w. Mr.Talreja, Ms.Tanvi Shah i/b. M/s.G.B.Talreja for Applicant.
Mr.A.I.Patel, AGP for Respondent no.3 & 6.

**CORAM : B.R. GAVAI &
B.P.COLABAWALLA,JJ.**

DATE : 3rd JUNE, 2016

VACATION COURT

P.C.:

1. The applicant who is original respondent in the petition has moved this Court for certain urgent reliefs.
2. Normally we would not have permitted the applicant to approach this Court in a disposed of petition.
3. However in view of the peculiar facts and circumstances which are brought to our notice by the learned Counsel for the applicant, we have

permitted the applicant / original respondent to present this Notice of Motion in the Court.

4. The original petitioners had approached this Court contending therein that action of the respondent no.1 and 2 in charging pre-admission fees was not sustainable in law.

5. Taking into consideration the larger interest of the students though the respondent nos. 1 and 2 had opposed the petition, we had directed the children of the petitioners to be admitted, provided they are willing to pay the fees as demanded by the School.

6. Mr. Samdani submits that though admissions are given to 29 childrens, the petitioners alongwith the other parents are causing ruckus in the school premises and are obstructing the functioning of the school.

7. In that view of the matter, we are inclined to grant ad-interim relief in terms of prayer clause (c). Notice be issued to the original petitioners returnable one week. We make it clear that though we are granting ad-interim relief in terms of prayer clause (c), the same would not come in the way of the children to attend the school who are already admitted in the School.

8. Liberty granted to file affidavit in support of Notice of Motion. Learned Counsel for the motion is allowed to carry necessary corrections .

(B.P.COLABAWALLA,J.)

(B.R.GAVAI,J.)