

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

42 WRIT PETITION NO. 7378 OF 2016  
WITH CA/11427/2016 IN WP/7378/2016

MAROTI SHRIRANG KAPASE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS  
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Shri. P.S. Anerao, Advocate, for petitioner.

Smt. R.P. Gour, Assistant Government Pleader,  
for respondent Nos.1 and 2.

Shri. Sachin Joshi, Advocate, for respondent  
Nos.3 to 5.

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Coram: T.V. NALAWADE &  
SANGITRAO S. PATIL, JJ.

Date: 27 February 2017

**ORDER:**

1) The petition is filed for giving direction to the respondent, Zilla Parishad to take decision on representation dated 11-6-2016. Both the sides are heard.

2) It appears that the petitioner is running a high school and it has Classes from 8 to 10 Standards. The Zilla Parishad is intending

to start 8th Standard in its own school and so the representation dated 11-6-2016 is made by the petitioner, private school. The petitioner feels that if such class is opened in the school of Zilla Parishad, strength of the students in the school of the petitioner will get reduced and that decision will affect the petitioner. Learned counsel for the petitioner drew attention of this Court to Rule 6 of the Right of Children to Free and Compulsory Education Rules, 2010. This rule shows that it is the duty of the concerned to see that the Classes from 6 to 8 Standards are situated at the walking distance of less than three kilometers of the neighbourhood of the locality. Thus, this rule is prescribing the limit to see that no inconvenience is caused and it is not limiting the number of Classes which can be opened. Thus the petition is misconceived. The petition stands rejected. Civil application is disposed of.

Sd/-

(SANGITRAO S. PATIL, J.)

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Sd/-

(T.V. NALAWADE, J.)