

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 838 OF 2017

Ayaan Bellestrain through Guardian

... Petitioner

Versus

State of Goa & Ors

... Respondents

Shri Wilbur Menezes, *Advocate for the Petitioner.*

Shri Dattaprasad Lawande, *Advocate General with Shri R*

*Shivolkar, Additional Government Advocate for Respondent Nos
1 & 2.*

Shri Santosh Paul *with Ms Namita Mathews & Mr T Khatib,*
Advocates for Respondent No 3.

Ms Kripa Desai (Principal) present in person.

Ms Neel Mani Vasuda (Director) present in person.

Ms Wilma Britto, Cambridge Counsellor present in person.

**CORAM: G.S. PATEL &
NUTAN D. SARDESSAI, JJ**

DATED: 25th September 2017

PC:-

1. There is an affidavit in reply filed by the school, Respondent No 3. In compliance with our previous order dated 19th September 2017, the school representatives in question are present.

2. We have considered the affidavit in reply and heard the learned counsel for both sides. From the reply it appears to us that this is not an isolated instance of an issue with the minor Petitioner. In fact we are constrained to note that the school records indicate a series of previous issues as well. Some of these may be serious.

3. What the school has offered is that the minor Petitioner be taken to counselling. In order that his education does not suffer, the school has also made special arrangements for him to be tutored at least in certain specific subjects.

4. As regards counselling, this is something that the school and its authorities, and not we, are best placed to assess. Precisely what the nature of that counselling should or not to be is undoubtedly for the counsellor in question and we are ensured that a qualified counsellor is available with the school. There is an apprehension expressed, not entirely unwarranted, that the counselling may be impeded because the Petitioner's mother has made allegations against the counsellors. We are confident that the counsellor will put all of that aside and look to the interest of the minor as undoubtedly will the Petitioner's mother.

5. Mr Menezes has been given an opportunity twice in the course of the day to take instructions and he reports after a more detailed conference over the lunch recess with his client, the minor Petitioner's mother, that she is agreeable to allow the minor to be counselled.

6. We also accept the assurance and representation of the school that it will provide individualised and separate tutoring in specific subjects namely English, Geography and Chemistry, and, if necessary, such other subjects as may be required till March 2018 when the Petitioner will appear for his final Xth standard examination.

7. As regards his future education for XIth and XIIth standards, that is left open and will be dealt with on merits.

8. Both sides will ensure that this litigation and its immediate antecedents will not affect or interfere with the student's educational progress. We may however note, without passing any directions, that in a school that has nearly 200 students, the school is not wrong in insisting on a certain discipline and standard of conduct between the students.

9. The material on record indicates that other parents have complained about the Petitioner's conduct and even about unwanted physical contact. The minor Petitioner's mother assures us that there will be no repetition of such incidents. We trust that between the parenting and the counselling this will be properly addressed, and that other students will not be put to harm or caused any distress by the minor Petitioner's conduct.

10. The minor may resume classes immediately. The mother will personally bring the minor to school and take him back. We make it clear that the minor is not permitted to ply any vehicle. He is underage.

11. With these observations, the petition is disposed of. There will be no order as to costs.

NUTAN D. SARDESSAI J.

G. S. PATEL J.