

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 1368 OF 2017

Sangita Kunchikorve & Ors.

...Petitioners

Versus

Balmohan Vidyamandir & Ors.

...Respondents

**ALONG WITH
WRIT PETITION (L) NO. 643 OF 2017**

Mrs. Afreen Nayeem Khan & Ors.

...Petitioners

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Chetan Mali, for the Petitioners in WPL/1368/17.

Mr. Prashant Chawan, a/w Ms. Reshmarani Nathani, Mr. Ravindra Chile, i/by M/s. Madekar & Co., for Respondent No. 1 in WPL/1368/17 & Respondent No. 6 in WPL/643/17.

Ms. Deepali Kamble, for Respondent No. 2 in WPL/1368/17.

Mr. M.G. Agre, i/by Mr. Girish B. Kedia, for Respondent No. 3 in WPL/1368/17.

Mr. Arvind Kothari, for Respondent No. 4 in WPL/1368/17.

Ms. Anjali Purav Yajurvedi, for Respondent No. 5 in WPL/1368/17.

Mr. Himanshu Takke, Asst.G.P., for Respondents No. 6, 7 & 9-State in WPL/1368/17 & Respondents No. 1 to 4 in WPL/643/17.

Mr. Rajendra Desai, i/b Ms. Prabha Badadare, for Respondent No. 7 in WPL/643/17.

Mr. Anil Sakhare, Senior Counsel, a/w Mr. Sagar Patil, for Respondent No. 8-BMC in WPL/1368/17 & Respondent No. 5 in WPL/643/17.

**CORAM : B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.**

DATE : 12 July 2017

ORDER :

1. In pursuance to the earlier orders passed by this Court, hearing took place before the Education Officer. As a result of the said hearing, some of the students have been found to be eligible for admission and two students have been found to be ineligible.

2. It is the contention of the schools that even the students who were found to be eligible for admissions, are not eligible, in as much as they do not reside on the addresses given

by them. It is submitted that when a copy of Notice of Appeal filed before the Deputy Municipal Commissioner was sought to be served on the parents, it was noticed that they are not residing at addresses given.

3. We find that all the issues with regard to the grant or refusal of admission by the Education Officer, can be looked into in an Appeal provided before the Deputy Municipal Commissioner and thereafter, the further Appeal before the Municipal Commissioner.

4. We therefore, clarify that we are disposing of these Petitions without commenting upon the rights of either the students or the Schools with regard to the legality or otherwise, of the orders passed by the Education Officer inasmuch as they are subject to two further Appeals before the Deputy Municipal Commissioner and Municipal Commissioner.

5. In so far as the two students who have been denied

admission by the Education Officer, the Respondent Schools are concerned, Shri. Sakhare, the learned Counsel appearing for the Corporation states that the admission is ongoing process and the Petitioners can very well apply in the further round and if they apply, the claims of the Petitions would be required to be considered in accordance with the law.

6. The Writ Petitions are disposed of in the aforesaid terms.

7. No order as to costs.

[RIYAZ I. CHAGLA J.]

[B.R. GAVAI, J.]