

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPUR**WRIT PETITION NO. 2978 OF 2017**(Abhay Maujilal Gupta & others .vs. The State of Maharashtra & others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. T. Rahul, Advocate for petitioners,
Mr. A.S. Fulzele, Addl. G.P. for respondent no. 1,
Mr. G.G. Mishra, Advocate for respondent no. 2,
Mr. A.S. Jaiswal, Senior Counsel with Mrs. Radhika Bajaj,
Advocate for respondent no. 3.

CORAM : B.P. DHARMADHIKARI & ROHIT B. DEO, JJ.

DATED : JUNE 7, 2017.

The petitioners' wards studied in respondent no.3 school in CBSE pattern. It is alleged that instructions upto 4th standard only are being imparted in that school. They have cleared 4th standard and seek admission in 5th standard in CBSE school by way of transfer. Petitioners rely upon Section 5(1) of the Right of Children to Free and Compulsory Education Act, 2009.

Mr. A.S. Fulzele, learned Addl. G.P. for respondent no. 1 and Mr. G.G. Mishra, learned Advocate for respondent no. 2, pointed out that the schools in which admissions can be made are all unaided and, therefore, exempt from Section 5(1) supra because of Section 5(2) thereof.

This legal position is not in dispute.

As there is no power with the respondents to

accommodate wards of petitioners by way of transfer in other CBSE school, the grievance made in the present matter is misconceived.

The Writ Petition is accordingly disposed of. No costs.

Judge

Judge

J.