

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 630/2017

(GOPICHAND MADHUKAR KHAZURE (IN JAIL) VERSUS THE STATE OF MAHARASHTRA & ORS)

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

Court's or Judge's orders

Ms Radha Mishra, Appointed Counsel for the petitioner.
 Shri A.M. Joshi, A.P.P. for the R-1, 2 & 5.

CORAM : SMT. VASANTI A NAIK AND
M.G. GIRATKAR, JJ.

DATE : SEPTEMBER 01, 2017.

By this criminal writ petition, the petitioner seeks a direction against the respondents to admit his minor son and daughter in Navodaya Vidyalaya, Shegaon, District Buldana and also provide them a house under the government schemes, viz. Ramai Awas Yojana or Indira Awas Yojana.

The learned Additional Public Prosecutor states that the application of the petitioner for grant of house was rejected by the Gram Panchayat. It is stated that there is no right in a prisoner to seek a house for his children under Ramai Awas Yojana or Indira Awas Yojana. It is further submitted that if the petitioner takes appropriate steps for admission of his children through their guardian when the admission process starts, they could be admitted to the schools under the Right to Education Act.

We are not inclined to grant the relief claimed by the petitioner in the circumstances of the case. The learned counsel for the petitioner is not able to point out any scheme of the government or any rule, regulation or order under which the children of the prisoners are entitled to a house under Ramai Awas Yojana or Indira Awas Yojana. Also, if the

petitioner wishes that his two minor children should be admitted to a good school, the guardian of the minor children may apply as per the provisions of the Right to Education Act for admission to the schools when the admission process begins some time in the month of February or March. However, a direction cannot be issued against the respondents to grant the relief claimed by the petitioner.

Since the relief claimed by the petitioner cannot be granted, the writ petition is dismissed. The professional fees of the learned counsel for the petitioner are quantified at Rs.1,500/-.

Order accordingly.

JUDGE

JUDGE

APTE