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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.6542 OF 2015

Satish Shamrao Mane

..Petitioner.

V/s.

The Principal Singhad Spring Dale School & Ors.

..Respondents.

Mr.A.B.Babe for the petitioner.

Mr.Nitin S.Dhumal for respondent No.1.

Mr.R.M.Pethe i/b. Mr.R.S.Khadapkar for respondent No.2.

Mr.P.P.More, AGP for respondent Nos.3 & 4-State.

***CORAM: NARESH H.PATIL AND
NITIN W.SAMBRE, JJ.***

DATE : JANUARY 19, 2018

PC.:-

The petitioner, father of a school going child, has approached this Court with prayers, which read as under :-

“a) That this Hon'ble Court be pleased to hold and declare that Miss. Ishwari Satish Mane is entitled to continue her education in 3rd standard in the respondent No.1 School, till

completion of elementary education under the provisions of the Right to Children to Free and Compulsory Education Act, 2009 and be pleased to direct the respondent No.1 to forthwith allow Miss.Ishwari Satish Mane to continue her studies in 3rd standard without insisting for the fees as per the provisions of RTE Act.

b) Pending the hearing and final disposal of this Writ petition be pleased to direct the respondent No.1 to forthwith allow Mis.Ishwari Satish Mane to continue her studies in 3rd Standard without insisting for the fees as per the provisions of RTE Act.”

2. Admittedly, the petitioner's daughter, namely, Miss. Ishwari Satish Mane was studying in a School run by Singhad Spring Dale School, Erandvana, Pune in 3rd standard. A question arose as to whether the petitioner shall pay regular fees to the said institution. According to the petitioner, his daughter was admitted to the school in the 25% category of economically weaker sections under the Right to Children to Free and Compulsory Education Act, 2009 (RTE Act).

3. It is submitted during the course of hearing today that

the Education Officer, Pune Municipal Corporation would take a final decision on the status of the petitioner's economic condition.

4. It is further submitted that the child is studying in 5th standard now. The fees has been reimbursed for last two academic years to the school management by the Pune Municipal Corporation. In this view of the matter, we direct the Education Officer of the Pune Municipal Corporation to take a final decision regarding the status of the petitioner within four weeks from the date of receipt of the order of this Court. The petitioner undertakes to co-operate with the concerned officer in taking a final decision. The decision be communicated to the School by the Education Officer.

5. The counsel appearing for the institution submits that the education fees for the year 2014-15 onwards has not been reimbursed. This statement be examined with the help of record maintained by the Education Officer and thereafter a final decision be taken.

6. The petitioner to appear before the Education Officer on Monday, January 22, 2018 at 11.00 a.m.

7. With these directions, the writ petition is disposed of. List the petition for compliance of the order after four weeks.

8. All concerned to act on an authenticated copy of this order.

(NITIN W.SAMBRE, J.)

(NARESH H.PATIL, J.)