

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CAO NO. 1064/2018 IN MCA (REVIEW) ST. NO. 12451 OF 2018
IN WRIT PETITION NO. 2978 OF 2017

(Abhay Maujilal Gupta & Ors. vs. The State of Maharashtra thr. its Secretary, Department of Education & Sports & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
ROHIT B. DEO, JJ.
JUNE 29, 2018.**

Review of order of this Court dated 07.06.2017 disposing of Writ Petition No. 2978 of 2017 is sought. There is delay of about 11 months in filing the same.

2. Our attention is drawn to the orders of the Hon'ble Apex Court dated 16.04.2018 in Special Leave Petition (SLP) No. 37344 of 2017. The Hon'ble Apex Court has allowed the prayer of the petitioners before it to withdraw the SLP with liberty to approach this Court by filing review petitions.

3. Before issuing notice on prayer for review, we have heard Shri Thakre, learned counsel for the applicants and Mrs. K.R. Deshpande, learned AGP for respondent Nos. 1 & 2.

4. Our attention has been invited to the orders dated 17.07.2017 in Writ Petition No. 4237 of 2017, there our observations in para 9 particularly on clause No. 16 of Government Resolution dated 10.01.2017 and, therefore, on right of the management. This Court has found that Resolution did not prohibit School located at a distance

from continuing admissions in higher standards in such a School.

5. In Writ Petition No. 2978 of 2017, we have found that Schools in which admissions were being sought in higher classes were all unaided and, therefore, exempt from Section 5(1) of Right of Children to Free and Compulsory Education Act, 2009, because of Section 5(2) thereof. This finding is not, therefore, disturbed in any way by the order dated 17.07.2017.

6. In this situation, as we find no case made out warranting review, we are not issuing notice on these proceedings.

7. Shri Thakre, learned counsel submits that the applicants/ petitioners should be given liberty to file appropriate proceedings afresh, placing on record complete data.

8. No such liberty can be given in present matter. However, if there is any fresh cause of action, it is always open to the parties to proceed further as per law.

9. Accordingly, we dispose of the present proceedings. However, there shall be no order as to costs.

JUDGE

JUDGE

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