

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9243 OF 2013

Ms.Ayesha Ajij Tamboli, since	}	
minor, through father Shri.Ajij	}	
Abdul Tamboli	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr.Prasad B. Kulkarni for the petitioner.

Mr.S.B.Kalel-AGP for State.

Mr.V.S.Deokar for respondent no. 3.

Mr.Rui Rodrigues with Mr.Anil Dyadar for
respondent no. 5.

Mr.Nitin Dhumal for respondent no.6.

CORAM :- S. C. DHARMADHIKARI &
M. S. KARNIK, JJ.

DATE :- FEBRUARY 25, 2019

P.C. :-

1. After this writ petition was heard at the earlier occasion and even now, we had categorically indicated that the petitioner will have to pay a substantial amount, if not, the entire amount as claimed.

2. The management has given a chart and according to it, the fees pending from academic year 2013-14 till date are to the tune

of Rs.1,28,000/-. The father of the petitioner says that he cannot afford this amount of fees and desires a concession be extended and particularly so as to complete the education of a girl child. It is stated in para 5 of the writ petition that the father of the petitioner is a labourer. He belongs to Other Backward Class. The annual income is Rs.40,000/- which is below Rs.1 lakh. Since the income of the minor is less than Rs.1 lakh and that she belongs to the backward section of the society, an application was made for concession in fees, but that application having not been granted, not to interrupt the child's education, the father continued her studies in the sixth respondent-school. Now she is in the VIth Standard. The examinations are due and would be held in the end of March, 2019.

3. In the above facts and circumstances and the case peculiar to the petitioner, without our order being treated as a precedent for any case of this nature, in the event the petitioner's father pays a sum of Rs.65,000/- on or before 30th April, 2019, the education of the girl child shall not be interrupted in any manner. In the event the amount is not paid, then, the sixth respondent is not obliged to continue her beyond VIth Standard in the concerned school. If the amount is brought and paid, then, let the petitioner avail of such concessions and relaxation as are

available under any of the benevolent, beneficial and welfare scheme of the Government. Any certificate and particularly a proof of annual income, if required, shall be produced and if the concerned local and statutory authority endorses the petitioner's application for admission of the girl child in VIIth Standard, then, let that application be considered sympathetically by respondent no.6. It shall extend to the child such benefits as are available to girl students so that they can complete their education, if not any further or higher, at least primary education. We have no doubt in our mind that all concerned would adopt such an attitude as would be conducive to the growth of the child and let her not be affected by the litigation and dispute *inter se*.

4. The writ petition is disposed of in these terms.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)