

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10057 OF 2016

Shikshan Samiti Kasba Nesri
Education Trust Through its president
Mr. Hemant T. Kolehekar

..Petitioner

Versus

State of Maharashtra and others

..Respondents

Mr. Madhav S. Kulkarni I/by Mr. M. V. Thorat, Advocate for the
Petitioner.

Ms. Nisha Mehra, AGP for the Respondent – State.

Mr. S. V. Sadavarte, Advocate for the Respondent No.6.

CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.

DATE : 3rd JULY, 2019

P.C.

1] Learned counsel for the Petitioner seeks an adjournment which is declined for the reason in the absence of any interim order granted to the Petitioner, the Writ Petition has been rendered infructuous and additionally we find no merit in the Petition.

2] As pleaded, the Petitioner is a trust which has established three schools in Kolhapur district. The 6th Respondent is a school only for girls. It applied for permission to admit boys. The permission was granted *vide* order dated 07.07.2015.

3] In the absence of any stay the Respondent No.6 school has admitted boys as well.

4] The clock cannot be put back.

5] On merits, unless the Petitioner pleads the law which regulates grant of permission to an existing school for girls even to admit boys, relief cannot be granted.

6] It also needs to be highlighted that educationists are unanimous on the concept of co-education in schools. The decision impugned takes forward the current thinking in the field of education.

7] The fear of the Petitioner that if boys are permitted to be admitted in the school established by Respondent No.6 the student teacher ratio would fall is a mere apprehension. Merely because population of the village is 6,993, it cannot be inferred that the number of boys would be so less that the student teacher ratio is breached.

8] The Petition is dismissed.

N. M. JAMDAR, J

CHIEF JUSTICE