

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 6495 OF 2014

Mrs. Sapna Prashant Jadhav & Ors. ... Petitioners.

V/s.

State of Maharashtra and Ors. ... Respondents.

None for the Petitioners.

Mr. K.S. Thorat, AGP for Respondent Nos. 1 and 2.

***CORAM : PRADEEP NANDRAJOG, C.J. &
NITIN JAMDAR, J.***

DATE : 2 AUGUST 2019.

P.C. :-

Notwithstanding there being no representation from the side of the Petitioner, we have gone through the averments made in the Writ Petition and have noted the interim orders passed in the Writ Petition from time to time.

2. The 1st Petitioner is the mother of Master Vignesh Prashant Jadhav and Krushna Prashant Jadhav; impleaded as

Petitioner Nos.2 and 3. As per her, her husband is an alcoholic and does not care for the family. She stays with her minor sons at the house of her parents and eeks out a living by selling household general goods. Her children were students admitted in standard 3 and standard 7 in Om Gurudev Jungli Maharaj Gurkul English Medium School. They were hostlers in the school. The prayer made in the Writ Petition is that the school be restrained from expelling her two minor sons on the ground that she has not paid the tuition fee and the hostel fee.

3. The response of the institution is that being a private unaided institution, it is not obliged to give education, much less with hostel facility to the children of the 1st Petitioner.

4. With the promulgation of the Right of Children to Free and Compulsory Education Act, 2009, it is the duty of the State and the Authorities under the State to ensure that till the age of 14, free education is made available to all.

5. On August 24, 2015, the 1st Petitioner was directed to appear before the Management of the School which was to consider whether the children could be exempted from paying hostel fee. The Management had no objection in regard to the children continuing to receive education in the School without paying fee but had an issue on the children residing in the hostel without payment

of hostel fee. The issue could not be sorted out. Order dated 24 August 2017 records that the school would issue School Leaving Certificates in the name of the children of the 1st Petitioner because they were desirous of seeking admission in Shri Anantrao Kulkarni English Medium School, Warulwadi, Narayangaon, Pune. The elder son of the 1st Petitioner was to take hostel accommodation in Dr. Babasaheb Ambedkar Mulanche Shaskiya Vastigrugha. Thereafter, matter proceeded to consider whether the younger son of the 1st Petitioner could also be accommodated in a hostel. Order dated 8 September 2017 records that the elder son was admitted at Shivaji English Medium School and Junior College at Saswad, District Pune and the younger one at Shri Anantrao Kulkarni English Medium School, Warulwadi, Narayangao, Pune. Order dated 20 December 2017 recorded that the elder son had been granted admission and not the younger one. Order dated 23 March 2018 records that even the younger son was admitted in a school with fee paid by an anonymous private sponsor. Thereafter, the matter could not be taken up.

6. From the facts noted herein above, it is apparent that the original grievance of the 1st Petitioner concerning her children was dissolved. The children moved out of the school and the hostel of Respondent No.4. Thereafter, the two children were admitted in two different schools. The Petition was filed in the year 2014 when the elder child was in standard 7 and by today the child would have

completed senior secondary. The younger child was in standard 3 and would be in standard 8 as of now.

7. In view of the said facts, the Petition is disposed of as infructuous.

NITIN JAMDAR, J.

CHIEF JUSTICE