

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11973 OF 2018

Wisdom High International School }
through Principal } **Petitioner**

Vs**Master Yatharth Abhijeet Gorane and Ors.} Respondents**

Mr.Ramesh Dube Patil i/b M/S Jay & Co.
for the Petitioner.

Mr.Devendra Avhad i/b Kanishk Jayant
for Respondent No.1.

Mr.S.B. Kalel, AGP for State-Respondent
Nos.3, 5 and 6.

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

DATE :- FEBRUARY 14, 2019

P.C. :-

1. In terms of our earlier order, both sides state that compliance has been made.
2. The counsel appearing for the respondents says that due compliance is made and now the mark-sheet for second standard and the leaving certificate has already been issued.

3. The request is that the leaving certificate is dated 21st June, 2018 and respondent No.1 was allowed initially to attend the classes of third standard and later on, the controversy erupted and leading to the filing of this writ petition.

4. Mr.Dube-Patil, the petitioner's advocate however controverts this position and says that the child was never admitted to standard third and in fact before the academic year commenced, the leaving certificate was issued. The leaving certificate having not been collected does not mean that child was a *bona fide* student of the petitioner school third standard.

5. Without entering into this controversy in the facts peculiar to this case, without this order being treated as a precedent, we direct that the petitioner shall not insist on attending the classes till the end of the academic year April 2019. However, despite the issuance of the leaving certificate and its acceptance now, let the petitioner allow the child-Yatharth Abhijeet Gorane to take the third standard examination to be held in April 2019 and the Management of the petitioner school shall also declare his result. Our order and direction does not enable the child to insist on admission in the school for further academic session and for standard fourth onwards. He shall always be treated as a child who has left the petitioner school. It is only as a matter of

concession and not to waste his academic year that we are issuing this direction.

5. Mr.Dube-Patil says that in terms of this direction, the school will allow the child to take examination and equally declare his results.

6. With the aforesaid directions, the writ petition is disposed of.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)