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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION NO.1465 OF 2018

Council For The Indian School Certificate Examinations ...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr.Pratik Kothari i/b I.C.Legal, for the Petitioner.

Mr.K.B.Dighe, A.G.P. for the Respondent Nos.1 to 3 and 5 to 7.

Ms.Vinodini Srinivasan i/b Keystone Partners, for the Respondent No.4.

***CORAM : B.P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.***

DATE : 18th JANUARY, 2019

P.C. :

1. Perused the impugned directions issued by the Maharashtra State Commission for Protection of Child Rights and Guidelines/Regulations prescribed by the Petitioner-Council. We have heard accordingly, learned counsel for the Petitioner, learned A.G.P. for the Respondent Nos.1 to 3 and 5 to 7 and learned counsel for the Respondent No.4. At this stage, it is not in dispute that after the said directions by the Maharashtra State Commission, the student approached this Court in Writ

Petition (Lodging) No.3618 of 2017 and sought permission to appear for 10th Standard Council Examination, though he had not cleared 9th Standard Examination conducted by the School. It appears that the Petitioner – Council also approached this Court in Writ Petition (Lodging) No.187 of 2018. Both these Petitions were looked into by the Division Bench of this Court on 18th April, 2018. It appears that common order has been passed on it. The common order mostly considered contentions of Petitioner – Student and dismissed the Writ Petition (Lodging) No.3618 of 2017.

2. Writ Petition (Lodging) No.187 of 2018, thereafter has been registered and is before this Court as present Petition.

3. The Petitioner – Council submits that in terms of mandate of Sections 16 and 17 of the Rights of Persons with Disabilities Act, 2016, it has already issued necessary guidelines. These guidelines are also produced before us. The effort of learned counsel for the Petitioner is to demonstrate that the students with special requirements are given necessary assistance and concession.

4. Learned Counsel for the Respondent No.4-School is also supporting these arguments. She points out that the student, after dismissal of Writ Petition has obtained School Leaving Certificate and shifted to some other school.

5. In this situation, we in this jurisdiction, are not inclined to examine compliances or there nature. We find that the Petitioner can very well place that material before the Respondent No.2 – Commission and the Commission can thereafter examine whether the same meets the requirements of law. We take note of the fact that the Petitioner has not opposed the impugned order at all and the only grievance is, had the Petitioner been provided an opportunity of hearing, they could have brought this material to the notice of the Commission. During arguments, learned counsel for the Petitioner submitted that the Council has encouraged education of such students in need of assistance at all levels.

6. In view of the positive attitude shown by the Petitioner, we direct them, to place the material for consideration of Respondent No.2 – Commission with necessary affidavit, within three months from today. After

receipt of such affidavit and material, the Respondent No.2 - Commission shall look into the same and find out whether the compliance is sufficient or then the Petitioner – Council has to modify the existing arrangement in any way.

7 With these directions, we dispose of the present Petition. No costs.

REVATI MOHITE DERE, J.

B.P. DHARMADHIKARI, J.