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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1860 OF 2009

Unaided Schools Forum & Ors. ...Petitioners
vs.
Chief Election Commission & Ors. ...Respondents

Mr.Swaraj Jadhav for the Petitioners
Mr.Pradeep Rajgopal and Ms Drishti Shah for the
respondent Nos.1 and 2
Ms Geeta Shastri, Addl.G.P. for respondent Nos.3 & 4

CORAM : A.S.OKA, &
 M.S.SANKLECHA, JJ.
DATE : APRIL 12, 2019

P.C.:

1 Heard the learned counsel appearing for the petitioners and the learned counsel for the respondent No.1. The learned Additional Government Pleader represents the respondent Nos.3 and 4. The first petitioner is the forum of Managements of large number of unaided schools in Mumbai. The respondent Nos.6,7 and 8 are three such schools. The said schools are recognized private unaided schools.

2 Our attention is invited to the order dated 3rd April 2019 passed in Writ Petition No.3093 of 2019 along with connected petitions. Clauses 1 and 3 of the order dated 3rd April 2019 reads thus:

“1 Today, the petitions were fixed for final disposal. The learned counsel appearing for the Election Commission of India states that the provisions of section 159 of the Representation of People Act, 1951 and in particular, sub-section (2) thereof will not apply to the Private Unaided Schools. He, therefore, states that the requisitions issued which are subject matter of challenge in these petitions to Private Unaided Schools will be withdrawn. We accept the said statement.

2....

3 As far as the first statement made by the learned counsel appearing for the Election Commission of India is concerned, the same is in terms of the law laid down by the Apex Court in the case of *Election Commission of India vs. St. Mary's School and Ors.*¹. In view of the facts that the aforesaid statement made on instructions is well supported by the legal position as laid down by the Apex Court, it is not necessary to entertain these petitions and accordingly, the petitions are disposed of.”

3 Even the present petition will be governed by the statement of the learned counsel for the Election Commission of India which is recorded in clause 1 of the order dated 3rd April 2019. Accordingly, the writ petition is disposed of by accepting the said statement recorded in the order dated 3rd April 2019.

(M.S.SANKLECHA, J.)

(A.S.OKA, J.)