

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1061 Writ Petition No.2597 Of 2021

Shreyas Santosh Sonkamble
Thr His Father
Santosh Madhukar Sonkamble

.. Petitioner

Versus

The Director of Primary Education and Others

..Respondents

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Mr Amit A. Mukhedkar, Advocate for the Petitioner
Mr S.G. Karlekar, AGP for the Respondent – State
Mr S.B. Pulkundwar, Advocate for Respondent Nos.2 & 3
Mr Shreyas Deshpande, Advocate h/f. Mr S.B. Deshpande,
Advocate for Respondent No.4

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CORAM : S. V. GANGAPURWALA
AND
R.N. LADDHA, JJ.

DATE : 09-09-2021

PER COURT : -

1. Mr Mukhedkar, learned Counsel for the petitioner submits that the respondent be directed to scrutinize the documents of the petitioner pursuant to the selection letter dated 20-01-2021 issued by the respondent no.2 for securing admission to 1st Std., with respondent No.4 - School under Right of Children to Free and Compulsory Education Act, 2009 (hereinafter 'Right to Education Act, 2009').

2. Mr Mukhedkar, learned Counsel relies upon the letter
Gajanan

dated 20-01-2021 to submit that the petitioner was informed that the petitioner is to be admitted in Respondent No.4 - School. In spite of the said letter, the respondents were not verifying the documents, as such the present writ petition is filed.

3. Even in January – 2021 the admissions are given under the Right to Education Act, 2009 in the 25% category.

4. According to respondent no.4, the petitioner was at Serial No.23 of the wait list. The last candidate admitted in respondent no.4 - School was at Serial No.16.

5. The learned Advocate for the Zilla Parishad submits that the letter given to the petitioner was that he is in wait list and not in respect of the confirmation of admission. For a student, whose name is confirmed in the admission list, different letter of regular selection is given.

6. It is not disputed that the petitioner was in the wait list. The last candidate is admitted with respondent no.4 School on 19-01-2021. It is submitted that he was at serial no.16.

7. We cannot direct respondent no.4 – School to admit more students than the prescribed limit. It is submitted that the petitioner was in the wait list for the admission process of the academic year 2020-21. The seats for the academic year 2021-2022 are also filled in.

8. If the petitioner is eligible, then the respondent authority may consider the petitioner's case for 2nd Std., of course, subject to the eligibility and the permissibility as per the statute and the rules.

9. Writ Petition is accordingly disposed of. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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