

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 3795 OF 2021

Arnav s/o Sachin Jadhav
through the natural guardian i.e.
father Sachin s/o Bhaginath Jadhav

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr C.R. Thorat, Advocate for petitioner
Mr S.P. Tiwari, A.G.P. for respondents no.1 and 2
Mrs M.A. Deshpande, Advocate for respondent no.3
Mr K.D. Jadhav, Advocate for respondent no.4

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 5th April 2021

PER COURT :

1. The petitioner seeks directions against respondents no.1 to 3 to confirm the admission of the petitioner for the first standard in the academic year 2020-2021, under the 25% reservation as contemplated under the Right to Education Act.
2. Mr Thorat, learned Counsel for the petitioner submits that the petitioner was selected for admission with respondent no.4 - institution. Respondent no.4 confirmed the documents before the school portal was closed.
3. Learned Advocate for respondent no.4 submits that the petitioner had submitted all the documents, but as the portal was closed, the same could not be uploaded. Learned Advocate submits that two seats are kept vacant.
4. It appears that the petitioner was allotted with respondent no.4 - school. Respondent no.4 - school has to verify the documents. According to

respondent no.4, they have verified the documents but did not upload as the portal was closed.

5. It appears that the petitioner was not at fault. Respondent no.4 - institution was at fault.

6. Considering that the petitioner was not at fault, we pass the following order.

ORDER

(I) Respondents shall consider the application of the petitioner for admission to respondent no.4 - school from 25% reservation under the Right to Education Act as per the allocation letter issued by the Education Officer (Primary), Zilla Parishad, Aurangabad. The admission of the petitioner shall not be cancelled only on the ground that the portal was closed. It was the fault of the institution in conveying to the petitioner before the stipulated date. Of course, all other criteria will have to be considered by respondent no.4.

(II) In light of that the respondents shall consider the petitioner for admission to respondent no.4 under 25% reservation under the Right to Education Act. The admission of the petitioner shall not be cancelled only on the ground that till the last date, the documents were not uploaded by the institution. The verification of the documents and all other aspects shall be confirmed by the respondents preferably within fifteen days and the further process be undertaken.

7. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)