

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

981 WRIT PETITION NO.13766 OF 2021
WITH CA/13956/2021 IN WP/13766/2021

SNEHA BHARAT GIDWANI
VERSUS
THE STATE OF MAHRASHTRA THROUGH ITS SECRETARY AND
OTHERS

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Advocate for Petitioner : Mr. Manoj A. Dond
AGP for Respondent No. 1 : Mr. S.P. Tiwari
Advocate for Respondent No. 2 : Ms. Surekha Mahajan
Advocate for Respondent Nos 3 and 4 : Mr. Girish S. Rane
Advocate for Respondent No. 5 : Mr. Shrinivas S. Wagh

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CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.

DATE : 22nd DECEMBER, 2021

PER COURT :-

1. It is unfortunate that the petition of such nature has appeared before the Court.
2. The dispute appears to be between biological mother and adoptive parents. The child, namely, master Yash Virendra Wadhwani, is natural son of the petitioner. It appears that he was given in adoption to grand parents i.e. Nirmala Virendra Wadhwani and Virendra Shitaldas Wadhwani. Sau Nirmala has died.
3. It also appears that some dispute exist between the biological mother and adoptive parents.
4. In the present case, we would not to be dilating upon the said dispute. It appears that because of the dispute amongst the biological parents and adoptive parents, the adoptive child Yash has to face

ignominy and his educational career is at stake. According to adoptive parents, Yash is taking education in the College at Amalner and fees for the 11th and 12th standards is also paid and the insistence is that he should fill in 12th standard examination form from the College at Amalner.

5. The present petition is filed by biological mother stating that child Yash is studying in the College at Shrirampur and the College at Amalner is not issuing the transfer certificate.

6. Mr. Rane, learned Advocate appearing for the College at Amalner submits that fees has been paid of 12th standard of Yash with Amalner College. He was admitted at Amalner College for 12th standard also.

7. The learned Advocate appearing for the College at Shrirampur contends that Yash is admitted for 12th Standard at Shrirampur College and he is attending the classes at Shrirampur College. Last date for filling in the examination form for 12th standard with board is 28th December, 2021.

8. We asked Mr. Rane, the learned counsel for College at Amalner as to whether the child Yash is attending the Classes at Amalner College. The learned Advocate has placed on record the communication received by him from the in-charge Principal of the said College to the effect that Yash had taken admission in their College on 6th August, 2021 in 12th standard and *on-line* education was imparted and physical classes from 4th October, 2021, however the said Yash did not attend *on-line* and off-line Classes. The said communication is taken on record and marked "X" for identification.

9. The child, namely, Yash is present in the Court. He is 17 years and 01 month old. We asked Yash as to where he is attending the

Classes, his answer is that he is attending the Classes at Shrirampur College.

10. The place from where the examination form is filled in may not be material to determine the rights of the biological parents and/or adoptive parents, nor the same can be a bone of contention. The adoptive parents may have right under the statute, but this is not a forum and petition to agitate all these aspects by the biological parents or adoptive parents, nor it would lead any where.

11. We have entertained this petition only to safeguard the educational career and academic year of the said child Yash. Any order passed herein would not be construed of having accepted right of any party and/or any party is denuded of their rights.

12. In view of the fact that the College at Amalner had said that Yash is not attending their *on-line* and *off-line* Classes of 12th standard and according to him, he is attending the Classes at Shrirampur College, we pass the following order.

ORDER

(a) The examination form of child Yash may be filled in from the College at Shrirampur, which may be accepted by the Board, in case, all other requirements are complied with.

(b) We once again make it clear that the direction to accept the form of 12th standard examination at College Shrirampur would not in any way erode upon the rights of either parties and they may agitate the same in appropriate proceeding that may be pending.

(c) For filling in the examination form from Shrirampur College, necessary compliance shall be made by the parties.

(d) The College at Amalner may co-operate with the parties for enabling filling in the form of 12th standard examination of Yash from the College at Shrirampur.

13. With these observations, writ petition is disposed of. No costs.

14. The intervention application is allowed to the extent of permitting to intervene in the petition.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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