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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9451 OF 2021

Harshvardhan S. Kubade & Ors.	...Petitioners
V/s.	
The Navodaya Vidyalaya Samiti & Ors.	...Respondents

Mr.Prashant S.Bhavake for the Petitioners.

Mrs.Neeta V. Masurkar with Ms.Nieyati V. Masurkar Respondent
Nos.1 to 3.

CORAM : R.D. DHANUKA &
R.N. LADDHA, JJ.
DATE : 23RD DECEMBER, 2021.

P.C. :-

1. The papers and proceedings are allowed to be produced at 2.30 p.m.
2. Rule. Mrs.Masurkar, learned counsel for the respondents waives service. By consent of parties, the petition is heard finally.
3. By this petition filed under Article 226 of the Constitution of India, the petitioners who had applied for admission in the respondent nos.2 and 3 schools have prayed for writ of certiorari for quashing and setting aside the orders dated 16th November, 2021 thereby rejecting the admissions to the petitioners for 6th standard at the respondent no.3 schools.
4. After arguing the matter for some time, learned counsel

for the respondents on instructions states that the respondents hereby withdraw the impugned orders dated 16th November, 2021 and are agreeable to pass a fresh orders relating to the admissions to 6th standard applied for by the petitioners in accordance with law. Learned counsel further states that the respondents would indicate the deficiencies, if any, in the application forms submitted by these petitioners within one week from today.

5. Mr.Bhavake, learned counsel for the petitioners, on the other hand states that his clients would cure the deficiencies, if any, that would be indicated by the respondents within 10 days from the date of communication of such deficiencies. Statement is accepted.

6. The respondent nos.1 to 3 to pass appropriate orders in respect of the admissions applied for by the petitioners and would grant personal hearing to the parents of these 13 students in person or through their authorized representative and would pass an order within one week from the date of the petitioners removing the deficiencies as may be pointed out by the respondents. The respondent no.3 shall grant 48 hours advance notice to the parents of these students regarding the venue and date of hearing. The parents of the students shall not seek unnecessary adjournment.

7. The respondents shall pass a fresh order without being influenced by the observations made and the conclusion drawn in the

impugned orders dated 26th November, 2021. The order that would be passed by the respondents shall be communicated to the parents of these students within three days from the date of passing such order. If the order is adverse against the petitioners, the same shall not be implemented for a period of 2 weeks from the date of communication of such order. If the applications of the petitioners are allowed for granting admission in the 6th standard, the petitioners who are seeking admission shall be granted subject to complying with the other formalities.

8. In view of the statement made by the respondents, withdrawing the impugned orders dated 26th November, 2021, this Court is not required to pass order for quashing and setting aside the impugned orders.

9. The writ petition is disposed of in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs. Parties to act on the authenticated copy of this order.

(R.N. LADDHA, J.)

(R.D. DHANUKA, J.)