

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3260 OF 2021

Mr. Chetan Lokhande & Ors.

...Petitioners

Versus

Government of Maharashtra & Ors.

...Respondents

Mr. Sattyendra Muley a/w Mr. Balraj Kulkarni and Ms. Disha Dave for the Petitioners.

Mr. N.K. Rajpurohit, AGP for the Respondent No. 1.

Dr. Abhinav Chandrachud a/w Mr. H.N. Vakil i/by Mulla and Mulla and Craigie Blunt and Caroe for the Respondent No. 3.

CORAM : R.D. DHANUKA &
R.I. CHAGLA, JJ.

DATE : 26 August 2021
(V.C.)

ORDER :

1. By this Petition filed under Article 226 of the Constitution of India, the Petitioners seek writ of mandamus directing the Respondent Nos. 2 and 3 to allow the Petitioner Nos. 2 and 3 to continue to attend the school and allow them to study further in the same school and for other reliefs.

2. This Court by an order dated 12th August 2021 had directed the Respondent Nos. 1 to 3 to take instructions whether the Petitioners will be considered in the same school and whether the policy introduced by the Respondent No. 3 annexed at page 84 formed in the Minutes of the meeting of the Respondent No. 3 Trust held on 20th March 2020 which was admittedly formed after the letter of termination of the admission of the Petitioner No. 2 can be applied with prospective effect without considering the admission of the Petitioners as a precedent.

3. Dr. Chandrachud, learned Counsel for Respondent No. 3 on instructions states that his client is agreeable to admit the Petitioner No. 2 in the same class for the current academic year unconditionally. He submits that this order shall not be treated as precedent. Statement is accepted.

4. Learned Counsel for the Petitioners states that the Respondent No. 3 has not been accepting the school fees of the Petitioner No. 3 also. Respondent No. 3 is directed to accept the

fees of the Petitioner No. 3.

5. Learned Counsel for the Petitioners on instructions states that the Petitioners have no objection to pay the fees of the Petitioner Nos. 2 and 3 to the Respondent No. 3 and if it is not paid, same would be paid within a period of two weeks from today. Statement is accepted. If such payment is tendered, Respondent No. 3 to accept such payment towards the fees.

6. In view of the statement made by the learned Counsel for the Respondent No. 3, nothing survive in this Petition. It is made clear that in view of the statement made by the learned Counsel for the Respondent No. 3, we have not gone into the larger issues raised in the Petition. The order passed in this Petition shall not be treated as precedent. If any other Petitions are filed, same would be decided on its own merits.

7. It is made clear that the Petitioner No. 2 would be entitled to attend the lectures as the regular student with immediate effect as attended in past.

8. Writ Petition is disposed of in the above terms.

9. No order as to costs.

[R.I. CHAGLA J.]

[R.D. DHANUKA, J.]