

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3250 OF 2021

Shri. Kishnat Bapuso Vadar ... Petitioner

Versus

The State Of Maharashtra and Ors. ... Respondents

Mr. Prashant Bhavake, for the Petitioner.

Mr. Tanaji Mhatugade, for Respondent Nos.3 and 4.

Mrs. S. S. Bhende, AGP for the State.

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATE : 11th APRIL, 2022.

P.C. :

Respondent Nos.3 and 4 are represented by its Head Master Mr. Ashok Mahadev Patil, who is personally present before the Court. Respondent No. 3 is headed by its President Nivrutti Krishna Parabkar, who is absent before the Court. Learned Counsel for Nivrutti Krishna Parabkar states that Nivrutti Krishna Parabkar is unable to be present before the Court on two grounds, namely, Nivrutti Krishna Parabkar is 78 years old senior citizen

and secondly, Nivrutti Krishna Parabkar is ill on account of his having some cough.

2 So far as first ground of absence of Nivrutti Krishna Parabkar is concerned, we reject it out rightly as there is no right for a person aged about 70 years to refuse to remain present before the Court only because he is a person aged about 70 years and therefore, a senior citizen. As regards the second ground taken on behalf of Nivrutti Krishna Parabkar, we must say that this ground of illness has been communicated to the learned Counsel for Nivrutti Krishna Parabkar by Mr. Ashok Mahadev Patil and Mr. Ashok Mahadev Patil on being directed by this Court to produce before us the medical certificate or some evidence showing that Nivrutti Krishna Parabkar is ill and suffering from cough, drew a blank. He has no medical papers to substantiate his claim that Nivrutti Krishna Parabkar is ill. We also asked learned Counsel for Respondent Nos. 3 and 4 as to whether or not Respondent Nos. 3 and 4 have complied with the order of this Court dated 10th December, 2021 and also of order dated 11th March, 2022 on which he replied by saying that Respondent Nos.3 and 4 have filed application seeking modification of these orders whereupon, we

first took up the Interim Application for hearing and decision.

3 Upon hearing the Interim Application, this Court has allowed it, observing that the Petitioner can question the legality or correctness of the order dated 6th April, 2021 directing absorption of Petitioner in another school run by Rayat Shikshan Sanstha, Satara. That means, till the order dated 6th April, 2021 is challenged, this Petition will not be maintainable. The Petition is thus dismissed, granting liberty to Petitioner to challenge order dated 6th April, 2021, keeping all questions open. No costs.

[G.A. SANAP, J.]

[SUNIL B. SHUKRE, J.]

REKHA
PRAKASH
PATIL

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