

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

925 WRIT PETITION NO.1772 OF 2023

**MASTER ABU HURAIRA ALI ABUL HASAN ALI HASHMI
THROUGH GUARDIAN MOTHER ANJUM ABUL HASAN
ALI HASHMI
VERSUS
UNION OF INDIA THROUGH SECRETARY AND OTHERS**

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Advocate for the Petitioner : Ms.Kulkarni Rashmi S.
DSGI for Respondents 1 to 3/UoI : Shri Ajay D. Talhar
Advocate for Respondents 4 and 5 : Shri S.D. Joshi

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**AND
WRIT PETITION NO.1802 OF 2023**

**MOHAMMAD NAEEM MOHAMMAD KHAJA
VERSUS
THE CENTRAL BOARD OF SECONDARY EDUCATION
AND OTHERS
(Not on the Board. Mentioned. Taken on the Production Board.)**

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Advocate for the Petitioner : Shri M.N. Shaikh i/by Shri S.S.Kazi
DSGI for Respondent 1/UoI : Shri Ajay D. Talhar
Advocate for Respondent 3 : Shri S.D. Joshi

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**CORAM : RAVINDRA V. GHUGE
&
SANDIPKUMAR C. MORE, JJ.**

DATE :- 14th February, 2023

Per Court :-

1. These petitioners are before the Court on account of

the orders passed by the Principal of the school, dated 08.02.2023, rustivating the Petitioner students for having indulged in acts of bullying. The CBSE has been informed about the said decision.

2. The learned advocate representing the School submits that the CBSE has informed the school that this issue pertains to the internal affairs of the school and it's discipline. This has to be handled at the level of the school.

3. The learned advocate for the school further submits that an emergency meeting was held on 13.02.2023. It was recorded that some students were brutally assaulted. CT scan reports indicate the brutality of the attack on the last day of the school, after which, the students were not to meet in congregation. Yet, keeping the future of the students in focus, a sympathetic approach has been adopted and the students have been permitted to appear for the Board examination. Nevertheless, the school has reserved it's right to withhold their mark-sheets. The copy of the said resolution dated 14.02.2023 with regard to the meeting held on 13.02.2023, is placed before us and the same is marked as "X" for identification.

4. The learned advocate for the school then submits

that the hall tickets will also be issued to the concerned students permitting all of them to appear for the examination, subject to the further decision of the school management.

5. The learned advocate representing the petitioner in Writ Petition No.1772/2023, submits that this child is an outstanding student and has excelled at all levels. He has also represented the school in United Kingdom in a competition meet. The parents desire that the school management should tackle this issue by considering the CCTV footage and go into the details of the incident for the reasons that, firstly, no innocent student should face such a trauma of rustication and secondly, those who are guilty, must be disciplined.

6. Considering the stand taken by the school management of withdrawing the orders of rustication, **both these Writ Petitions are disposed off.**

7. However, we deem it appropriate to record as under:-

(a) The school should take up the issue of the said incident of attack on students on the last day, in the parents-teachers meeting at the earliest, of course after the Board examination is over.

(b) Whoever has been named as being a delinquent, should be invited for such meeting for explaining his conduct.

(c) CCTV footage shall be relied upon and the teachers, who may have witnessed the incident, should be summoned in the parents-teachers meet.

(d) The parents of the concerned students and the teachers, who may be monitoring the get-together event or may have witnessed the incident or the students who may have witnessed the incident, are also to be summoned in the meeting.

(e) After due inquiry, the school would be at liberty to arrive at a decision and convey the decision to the parents of the students concerned with the said incident, and initiate commensurate action.

(f) If any student/parent is aggrieved, they are at liberty to take recourse to the remedy as is statutorily provided.

kps (SANDIPKUMAR C. MORE, J.) (RAVINDRA V. GHUGE, J.)