

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9021 OF 2023

Pranya Balakrishna Pujari Thr
Her Father And Ors ... Petitioners.

V/S.

K S D Shanbhag Vidyalaya Thr
Its Principal And Ors ... Respondents.

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Mr.Mohansingh U.Rajput for the Petitioner.
Mr.Atul Damle Senior Advocate a/w. Mr.Kuldeep U.Nikam for the
Respondent Nos.1 to 3.
Mr.N.K.Rajpurohit, AGP for Respondent No.4.
Mr.Ashok Misal for Respondent No.5 & 6.

.....

CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.

DATE : 5 October 2023.

P.C. :

Heard learned counsel for the parties.

2 The Petitioners students through their parents are before us seeking directions to Respondent Nos. 1 to 3 - Schools that they should be admitted in their School pursuant to the provisions of Right of Children to Free and Compulsory Education Act, 2009.

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3 The Petition has been adjourned form time to time. We had also directed the authorities to find out, if any via media can be found. Today when the petition is called out, learned counsel for the Respondent Nos. 1 to 3 - Schools states that these Schools had filed Writ Petitions seeking directions to the State Government regarding reimbursement of fees and those petitions have been disposed of directing the State Government to take necessary action in respect of reimbursement. Learned counsel for the Respondent Nos. 1 to 3-Schools states that in view of these directions the petitions are not being contested and the Petitioners-Students would be admitted to the School. The learned counsel for Respondent Nos. 1 to 3 - Schools further submits that since Respondent Nos. 1 to 3 - Schools did not admit the Petitioners-Students, the State Authorities have proposed an action of de-recognition, which should be cancelled.

4 Though, we are not inclined to lay down any position that the Respondents-Schools have a right to refuse admission till reimbursement is made and in this petition it is not necessary for us to proceed to examine this legal issue, in view of the subsequent development and stand now taken by Respondent Nos. 1 to 3-Schools and as the interest of the Petitioners-Students is being protected.

5 As regards the proposed action, the State Authorities will defer taking any action for a period of two weeks so the Respondent Nos 1 to 3-Schools can comply with their commitment given to the Court.

After the students are so admitted, it is open to Respondent Nos. 1 to 3-Schools to communicate this fact to the Respondent No.4-Authority who has issued notices of de-recognition and if not taking the Petitioner students in the school is the only ground for de-recognition them, upon satisfying itself that the Petitioners are now taken in the Respondent Nos. 1 to 3 -Schools would drop the action of de-recognition.

6 We again state that this direction is also not to be considered as an approval of the conduct of Respondent Nos.1 to 3-Schools, nor we are laying down a proposition that it is open to Respondent Nos.1 to 3-Schools to withhold admissions on the ground of pending reimbursement. This order is passed so as to put a quietest to this litigation.

7 Writ Petition is accordingly disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)