



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

934 CRIMINAL APPLICATION NO.2728 OF 2024
IN
CRIMINAL WRIT PETITION NO. 1284 OF 2022

Durgaprasad Rajeshwarrao Deshpande

..Applicant

Versus

The State of Maharashtra and Others

..Respondents

.....

Mr. Sushant V. Dixit, Advocate for Applicant

Mr. G. A. Kulkarni, APP for Respondent / State

.....

CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : August 01, 2024

PER COURT :-

. The Applicant who is the father of Master Abhinav Durgaprasad Deshpande who completed his education from the Oxford International School, Nanded, has prayed for the following directions:

“A. That, Oxford International School, Nanded be directed to hand over Transfer Certificate, original Marks Memo and CBSE Migration Certificate of Mast. Abhinav Durgaprasad Deshpande to present applicant or to New Bells College for confirming his admission in New Bells College, Nanded and enabling him to pursue his H.Sc. Course there.

B. Pass such other orders which are necessary in the facts and circumstances of the case in favour of the Petitioner.”

2. Learned Advocate for the Applicant invited our attention to the Order of this Court dated 31.01.2023 in the petition, the relevant paragraphs of which are reproduced thus:

“6. Hence keeping in mind the interest of the children, we direct the applicant to cancel admission in Pravara Central Public School, Loni, Tq. Rahata, Dist. Ahmednagar during this academic year and to hand over the transfer certificate to the school at Oxford International School Nanded within a period of two days from date of uploading this order. Since the children will be answering their final exams and adverse order, if any, is likely to cause serious hardship to the children, we direct the Family Court to defer the hearing on Exhibit 14 in Petition A-489/2022 till the academic year of 2023.

7. We make it clear that the aforesaid directions are issued only by way of interim measures, keeping in mind the interest and welfare of the children and recognizing their right to have access to education, particularly when their well being and future is over shadowed by one-upmanship of their warring parents.

8. Learned counsel for the petitioner seeks stay of the order. Request for stay is unfortunate and certainly not in the interest of children and deserves to be rejected.”

2.1. He submits that now the Applicant's son has completed the education from Oxford International School, Nanded and he has taken admission in 11th Std., at New Bells College at Nanded, and for the said purpose he requires his Transfer Certificate. He submits that the earlier school is not issuing the said certificate since this Court had passed the order dated 31.01.2023 and requests for Court order.

3. This Court had issued notice to Respondents. The said Oxford International School, Nanded is the Respondent No.7 and they are duly served, however none Appears for them.

4. In view of above factual aspects, we direct the concerned Respondent No.7 - Oxford International School, Nanded to directly transfer the concerned Certificate i.e. Transfer Certificate and other

relevant documents to the New Bells College, Nanded within a period of one week from today.

5. Criminal Application stands disposed of accordingly.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP