

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1052 OF 2024

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Sheetal Ravindra Nikam

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

Mr. Vaibhav R. Gaikwad, Advocate for the Petitioner.

Mr. Nainesh N. Amin, Advocate for the Respondent No.2.

Mr. Hafeezur Rahman, Advocate for Respondent No.3.

Mr. B. V. Samant, Addl. GP a/w Mr. A. R. Deolekar, AGP for Respondent-State.

**CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ**

DATE : 8th APRIL 2024.

PC. :

1. Heard. The minor son of the petitioner and the Respondent No.3 has been taking education at the Respondent No.2-School. Matrimonial disputes between the petitioner-his mother and the Respondent No.3-his father are pending before the Family Court and the parties are agitating their rights with regard to custody of the minor child. The petitioner made an application to the Respondent No.2-School for issuance of School Leaving Certificate. However, in view of the objection raised by the Respondent No.3, the School has not issued the said certificate.

2. We find that the issue with regard to custody of the minor child is an independent matter that the petitioner and Respondent No.3 have to workout before the Family Court. By seeking to contest the issuance of the School Leaving Certificate, the rights of the minor child cannot be compromised since he is entitled to undertake basic education.

3. Another prayer made by the petitioner for issuance of appropriate directions to the State of Maharashtra through its Department of School Education to consider framing a policy in the matter of issuing transfer certificates. At this stage, we are not inclined to go to the larger issue as raised. Suffice it to observe that the issuance of School Leaving Certificate cannot be made a contentious matter by the parties. Thus issuance of the School Leaving Certificate to the minor child would be without prejudice to the rights and contentions of the petitioner as well as Respondent No.3 in the pending disputes. Those proceedings shall be decided on their own merits and in accordance with law.

4. Accordingly, the writ petition is disposed by directing the Respondent No.2-School to issue the School Leaving Certificate to the minor child of the petitioner and Respondent No.3. Issuance of this School Leaving Certificate would not create any right in favour of the petitioner or the Respondent No.3 in the pending matrimonial proceedings. Necessary steps be taken within a period of two weeks from today. The writ petition is disposed of with aforesaid directions.

[JITENDRA JAIN, J]

[A.S. CHANDURKAR, J.]