

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

WRIT PETITION NO.10676 OF 2024

- | | | |
|---|---|----------------|
| 1. Dr. Pallavi Jawale |] | |
| 2. Unnati Manish Jawale |] | .. Petitioners |
| <i>Versus</i> | | |
| 1. State of Maharashtra, |] | |
| Through School Education & Sports Dept. |] | |
| 2. Council for Indian School of Certificate |] | |
| Examinations, New Delhi |] | |
| 3. Podar International School, Pimpri |] | |
| 4. Universal High School, Thane |] | |
| 5. Dr. Manish Lahu Jawale |] | .. Respondents |

Mr. Debanik Banerjee with Mr. Akash Ganguly, Ms. Sayani Sadhukhan,
i/by Mr. Shon Gadgil, Advocates for the Petitioners.

Mr. N.C. Walimbe, Additional Government Pleder with Mrs. Reena
Salunkhe, Assistant Government Pleader for the Respondent-State of
Maharashtra.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 26TH SEPTEMBER 2024

PC. :

1. Despite issuance of notice and its service to the respondent no.5, he has not chosen to enter appearance. The affidavit-of-service dated 8th August 2024 indicates that the respondent no.5 has been duly served with such notice.

2. The petitioner no.2 is the minor daughter of petitioner no.1 and respondent no.5. On account of differences, the petitioner no.1 and the

respondent no.5 are residing separately. The petitioner no.2 was taking education in Class VII at the respondent no.3-School. For the present academic year, the petitioner no.1 has taken her admission at the respondent no.4-School and presently she is pursuing education there. Since the respondent no.3-School declined to issue a Transfer Certificate, the present proceedings have been filed.

3. The learned counsel for the petitioners submits that presently there are no matrimonial proceedings initiated either by the petitioner no.1 or by the respondent no.5. There is no reason whatsoever for the respondent no.5 to oppose the grant of School Leaving Certificate by the respondent no.3-School. It is only on account of such letter issued by the respondent no.5 that the respondent no.3-School has declined to issue the School Leaving Certificate. He invited attention to the order dated 8th April 2024 passed in Writ Petition No.1052 of 2024 (*Sheetal Ravindra Nikam Vs. The State of Maharashtra and Ors.*).

4. The learned counsel for the respondent no.3-School submits that since respondent no.5 had visited the office of the Principal and had orally opposed the grant of School Leaving Certificate, the same has not been considered.

5. In our view, the matrimonial dispute between the petitioner no.1

and the respondent no.5 cannot be a reason to deny issuance of School Leaving Certificate to the petitioner no.2. The petitioner no.2 is entitled to pursue education and presently she is with the petitioner no.1. The interest of either parties would be safeguarded by observing that issuance of the School Leaving Certificate by the petitioner no.3-School would be without prejudice to the rights and contentions of the petitioner no.1 and the respondent no.5. If any matrimonial proceedings are filed, the same shall be decided independently of these directions.

6. Accordingly, the following order is passed :-

- (a) The respondent no.3-School to issue the School Leaving Certificate to the petitioner no.2-the minor child of the petitioner no.1 and the respondent no.5.
- (b) Issuance of this School Leaving Certificate would not create any right in favour of the petitioner no.1 or the respondent no.5 in any matrimonial proceedings.
- (c) Necessary steps be taken within a period of two weeks from today.

7. The writ petition is disposed of with aforesaid directions.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]