

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 9231 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024

Shree Chanakya Education Society & Anr] ... Applicants

In the matter of

Akhil Bhartiya Samajwadi Adhyapak
Sabha & Anr.

... Petitioners

Vs.

State of Maharashtra & Ors] ... Respondents

WITH

INTERIM APPLICATION NO. 9177 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024

Kalyan Citizens' Education Society &] ... Applicants
Anr

In the matter of

Akhil Bhartiya Samajwadi Adhyapak
Sabha & Anr.

... Petitioners

Vs.

State of Maharashtra & Ors] ... Respondents

WITH

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 14334 OF 2024

WITH

PUBLIC INTEREST LITIGATION (L) NO. 14887 OF 2024

WITH

INTERIM APPLICATION (L) NO. 17294 OF 2024

IN

PUBLIC INTEREST LITIGATION (L) NO. 14887 OF 2024

Shabbir Gulamgaus Deshmukh & Ors	]	...	Petitioners
Vs.			
Union of India & Ors	]	...	Respondents

**WITH
PUBLIC INTEREST LITIGATION (L) NO. 15520 OF 2024**

Mr Arvind Kothari, with Manisha B, Bijal Vora & Akshay Arora, for the Applicant in IA/9231/2024.

Mr Arvind Kothari, with Manisha B, Bijal Vora & Akshay Arora, i/b. Parinam Law Associates, for the Applicants in IA/15563/2024 in PIL/61/2024.

Mr Arvind G Kothari, for the Applicant in IA/9177/2024 in PIL/61/2024 and Ms Devyani Kulkarni, for the Petitioners.

Mr PP Kakade, GP, with OA Chandurkar, Addl GP and GR Raghuwanshi, AGP, for the Respondent-State. (7)

Mr Sandeep D Shinde, for Respondent No. 6 in IA/9177/2024 in PIL/61/2024.

Ms Ranjana Rao, Administrative Officer, KDMC-present.

Ms Shreya Mohapatra, for the Petitioner in WPL/14334/2024.

Mr Tejas Bhide, with Shivani Pawle, for the Petitioner in PIL/15520/2024.

Ms Jayna Kothari, with Vasudha Chandwani, Payal Gaikwad, Rag K, for the Petitioner in PIL/14867/2024.

Ms Leena Patil, for Respondent No.1-UOI in WPL/14334/2024.

Ms Jyoti Chavan, Addl GP, for the State of Maharashtra.

Mr Vishal Talsania, with Vikram Trivedi, Suchitra Valjee & Rajvi Shah i/b Manilal Kher Ambalal & Co. for the Applicant in IAL/17294/2024 in PIL(L)/14887/2024.

**CORAM : N.R. BORKAR &
KAMAL KHATA, JJ.
(VACATION COURT)**

DATED : 5TH JUNE 2024

P.C.:-

1. These Petitions are connected to the issue with regard to admitting a certain percentage of students by schools under the Maharashtra Right of Children to Free and Compulsory Education (“**RTE**” for short) (Amendment) Rules, 2024 that is pending consideration before the this Court in PIL No. 61 of 2024 and other connected Petitions. An order dated 6th May 2024 staying the amendment vide notification dated 9th February 2024 is passed in those matters. Those matters are listed for further consideration on 12th June 2024.

2. Mr Kothari for the Petitioner submits that the Petitioners would be severely prejudiced if the students are allotted to the school under the RTE Act, 2009 (“**RTE**”) by the Respondent State pending the hearing of the PIL. He therefore seeks directions to postpone the opening of the portal for applications from students for admissions under RTE on 7th June 2024.

3. Ms Chavan, the learned AGP for the Respondent-State submits that even though the online portal for receiving applications from students of reserved category opens on 7th June 2024 the entire

procedure for allotting those students to the different schools would take around 6 to 7 days. She therefore submits that there is no reason to defer the opening of the portal on 7th June 2024. She submits that the matter is placed for hearing on 12th June 2024 before the regular Court, and therefore, no prejudice would be caused to any of the schools.

4. Ms Chavan submits that the Applicant in Application (L) No. 17294 of 2024 which represents an association of schools will necessarily require to disclose particulars of the schools that are members of the association, the dates on which the entire procedure for admissions was completed, as well as the dates on which the students were admitted and number of students admitted by each school, to the extent available with each of the schools to the Respondent-State on or before 10th June 2024 for the Respondent State to file its reply.

5. All the Petitioners' Advocates present in court on instructions agree that no further admissions will be granted or confirmed by the Schools until 12th June 2024.

6. Ms Chavan for Respondent State also states that until 12th

June 2024 no students will be allotted to the schools.

7. This order is passed only as an interim arrangement and shall continue only until 12th June 2024.

8. All the Interim Applications along with these Petitions be listed on 12th June 2024 before the regular Court.

[KAMAL KHATA, J.]

[N.R.BORKAR, J.]