

Basavraj

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

**(Sr. No.1) INTERIM APPLICATION NO. 9231 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

**Shree Chankya Education Society
& Anr.**

.. Applicants

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors.**

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

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

**Kalyan Citizens Education Society
& Anr.**

.. Applicants

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors.**

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

**WITH
INTERIM APPLICATION (ST.) NO. 15624 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

**Vidya Pratisthan English Medium
School, thr. Principal Radha Kore**

.. Applicant

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors.**

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

**WITH
INTERIM APPLICATION (ST.) NO. 15627 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

**Sadguru Pant Maharaj Shikshan
Prasarak Mandal**

.. Applicant

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors.**

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

**WITH
INTERIM APPLICATION (ST.) NO. 15628 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

**Vidya Pratisthans Indapur English
Medium School**

.. Applicant

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors.**

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

**WITH
INTERIM APPLICATION (ST.) NO. 15629 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

Akutai Kalayani Charitable Trust .. Applicant

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors. .. Petitioners**

Versus

State of Maharashtra & Ors. .. Respondents

**WITH
INTERIM APPLICATION (ST.) NO. 15630 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

Vidya Pratisthans Vinodkumar Gujar .. Applicant

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors. .. Petitioners**

Versus

State of Maharashtra & Ors. .. Respondents

**WITH
INTERIM APPLICATION (ST.) NO. 15631 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

**Vidya Pratisthans Nanded City
Public School .. Applicant**

In the matter between:

Akhil Bharatiya Samajwadi

Adhyapak Sabha & Ors.

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

**WITH
INTERIM APPLICATION (ST.) NO. 15632 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

**Sadguru Pant Maharaj Shikshan
Prasarak Mandal**

.. Applicant

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors.**

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

**WITH
INTERIM APPLICATION (ST.) NO. 15633 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

Global Achievers School

.. Applicant

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors.**

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

**WITH
INTERIM APPLICATION NO. 9396 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

**Shewantabai and Shankarrao
Foundations Vishwajyot High
School** .. Applicant

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors.** .. Petitioners

Versus

State of Maharashtra & Ors. .. Respondents

**WITH
INTERIM APPLICATION NO. 9397 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

**Maharashtra English School
Trustees Association** .. Applicant

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors.** .. Petitioners

Versus

State of Maharashtra & Ors. .. Respondents

**WITH
INTERIM APPLICATION (ST.) NO. 15993 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

Indian Education Society & Anr. .. Applicants

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors.**

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

**WITH
INTERIM APPLICATION (ST.) NO. 16108 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

Amanora School

.. Applicant

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors.**

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

**WITH
INTERIM APPLICATION (ST.) NO. 16547 OF 2024
IN
PUBLIC INTEREST LITIGATION NO. 61 OF 2024**

Mis International School

.. Applicant

In the matter between:

**Akhil Bharatiya Samajwadi
Adhyapak Sabha & Ors.**

.. Petitioners

Versus

State of Maharashtra & Ors.

.. Respondents

(Sr. No.2)

PUBLIC INTEREST LITIGATION (L) NO. 14887 OF 2024

Aswini Jitendra Kable .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

**WITH
INTERIM APPLICATION (L) NO. 18207 OF 2024
IN
PUBLIC INTEREST LITIGATION (L) NO. 14887 OF 2024**

**Maharashtra English School Trustees
Association .. Applicant**

In the matter between:

Aswini Jitendra Kable .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

**WITH
INTERIM APPLICATION (L) NO. 17294 OF 2024
IN
PUBLIC INTEREST LITIGATION (L) NO. 14887 OF 2024**

Association of Indian Schools .. Applicant

In the matter between:

Aswini Jitendra Kable .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION (L) NO. 14334 OF 2024**

Shabbir Gulamgaus Deshmukh	.. Petitioner
Versus	
Union of India & Ors.	.. Respondents

**WITH
INTERIM APPLICATION (L) NO. 18441 OF 2024
IN
WRIT PETITION (L) NO. 14334 OF 2024**

Maharashtra English School Trustees Association	.. Applicant
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In the matter between:

Shabbir Gulamgaus Deshmukh	.. Petitioner
Versus	
Union of India & Ors.	.. Respondents

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

Vidhayak Bharti	.. Petitioner
Versus	
State of Maharashtra	.. Respondent

Mr. Arvind Kothari a/w Ms. Monisha Mane Bhangde a/w
Mr. Bijal Vora and Mr. Akshay Vora i/b. Parinam Law
Associates for Applicant in IA/9231/2024.

Mr. Nilesh Patil a/w Ms. Shraddha Pawar i/b. Team Justice
League for the Applicants in IA/9396/2024,
IA(ST)/15628/2024, IA(ST)/15630/2024,
IA(ST)/15624/2024, IA(ST)/15627/2024 ,

IA(ST)/15629/2024, IA(ST)/15632/2024,
IA(ST)/15631/2024, IA(ST)/15633/2024, IA(ST)/16108/2024
in PIL No. 61 of 2024

Mr. Chaitanya B. Nikte i/b. Mr. Prajit S. Sahane for the
Applicant in IA(ST)/16547/2024.

Mr. P. P. Kakade, GP with Mr. O. A. Chandurkar, AGP and
Mrs. G. R. Raghuwanshi, for respondent in PIL/61/2024.

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

Mr. Milind Sathe, Senior Advocate and Mr. Vishal Talsania a/w
Mr. Vikram Trivedi, Ms. Suchitra Valjee, Ms. Riyas Vasa and
Ms. Rajvi shah i/b. Manilal Kher Ambalal & Co. for the
Applicant in IA(L)/17294/2024 in PIL(L)/14887/2024.

Mr. Pritesh Burad a/w Mrs. Madhuri Gamare i/b M/s. Pritesh
Burad Associates for Applicant in IA/9397/2024 in
PIL/61/2024

Ms. Jayna Kothari, Senior Advocate a/w Ms. Vasudha
Chandwani a/w Ms. Payal Gaikwad and Mr. Raj Kamble for
petitioners in PIL(L)/14887/2024.

Ms. Gayatri Singh, Senior Advocate a/w Ms. Shreya
Mohapatra a/w Sanjot Shirsath for petitioners in
WP(L)/14334/20204.

Mr. Swanad Ganoo a/w Mr. Tejas Bhide a/w Ms. Shivani Pawle
for Petitioner in PIL(L)/15520/2024.

Smt. Jyoti Chavan, AGP a/w Smt. Rita Joshi, AGP for State in
PIL(L)/14887/202 and IA(L)/18207/2024 and
IA(L)/17294/2024.

Smt. Rita Joshi, AGP for State in WP(L)/14334/2024 and
IA(L)/18441/2024.

Smt. Jyoti Chavan, AGP for State in PIL(L)/15520/2024.

Smt. Jyoti Chavan, AGP a/w Smt. Ria Joshi for State in
WP(L)/17885/2024.

Mr. Pritesh Burad a/w Mrs. Madhuri Gamare i/b M/s. Pritesh Burad Associates for Applicant in IA(L)/18441/2024 and IA(L)/18207/2024 .

Ms. Leena Patil for Respondent No. 1.

Mr. Ashutosh Mishra for UOI/ Respondent No. 3 in PIL(L)/15520/2024.

CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. & AMIT BORKAR, J.

DATE: 18th JUNE, 2024

P.C.:

- 1.** This bunch of Writ Petitions/ Public Interest Litigation Petitions primarily challenge the proviso appended to Rule 4 of the Maharashtra Right of Children to Free and Compulsory Education Rules, 2011 by means of Notification dated 9th February 2024.
- 2.** Certain impleadment applications have been filed in these Writ Petitions/PIL Petitions by the educational institutions and also by an association of educational institutions.
- 3.** Having regard to the subject matter of the Petitions, the intervention sought is allowed.
- 4.** Let the applicants be impleaded as party respondent/s in the Petitions where the applications have been moved.

However, all the intervenors/newly impleaded party respondents shall file their affidavits-in-reply in PIL Petition No.61 of 2024, which shall be the lead petition so far as the present bunch of the petitions is concerned.

5. Learned State Counsel has submitted that for filing an effective reply on behalf of the State authorities and also for bringing the correct and necessary facts before this Court, certain information has been sought from the individual institutions, however, most of them have not provided the information.

6. In these circumstances, we direct that the institutions/schools from whom the information has been sought by the authorities of the Education Department in respect of the admissions made, shall be supplied to the Director of Education, within a week.

7. The affidavit-in-reply by the State authorities shall be filed within ten days from today. Affidavit/s-in-reply by the newly implemented party/respondents shall also be filed within this period.

8. We make it clear that the State shall file affidavit-in-reply in PIL No.61 of 2024 which shall be placed in all other

PIL Petitions/Writ Petitions and shall be treated the reply in all the Petitions. Rejoinder, if any, shall be filed by the petitioners within ten days thereafter.

9. All the intervention applications are disposed of.

10. Post the mater on **11th July 2024**, on top of the board.

11. We make it clear that all the parties shall come prepared so that the matter can be heard and decided finally considering the urgency relating to the admissions.

12. Interim order granted earlier shall continue to operate till the next date of listing.

13. We make it clear that no further applications seeking intervention shall be entertained by the Court for the reason that the institutions/schools which are affected by the impugned Notification and which may be affected even by the outcome of this bunch of petitions, have already been impleaded in their representative capacity.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)