

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2675/2025

Yukti d/o. Vishwanath Bopche and Ors.

Vs.

Maharashtra State Commission for Protection of Child Rights and Ors.

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. P. R. Agrawal a/w. Bhumika Sarda, Advocate for Petitioners.
 Ms S. S. Jachak, A.G.P. for Respondent/State.
 Mrs. Bharti Maldhure, Advocate for Respondent No.3.
 Mr. A. S. Manohar, Advocate for Respondent Nos. 5 and 7.

CORAM : ANIL S. KILOR AND MRS. VRUSHALI V. JOSHI,JJ.

DATED : 26/06/2025.

1. In the present matter, the petitioners are students, who had been admitted to respondent No.5 – School under the RTE Quota, however because of closure of the said school, a question to re-allot seats to them in some other schools arose. Accordingly they were allotted different schools.

2. The petitioners by filing this petition raise a grievance that the Education Officer while considering the schools for re-allotment has not considered all the schools available as per RTE, for allotment.

3. Considering the grievance, the Education Officer was directed to consider other schools also. Thereupon, a data was collected by the Education Officer and submitted in a Chart.

4. After going through the Chart, it appears that the grievance of the petitioner Nos. 1, 3 and 10 has been

addressed. However, as far as other petitioners are concerned, on some technical ground, the Education Officer has expressed disability to allot them the schools as per their choices even though vacancies are there and schools are ready to allot admission.

5. No doubt, the Right of Children to Free and Compulsory Education Act does not say about right of choice of the students to admit in a particular school. However, if the vacancy is there and student has a choice, there is no difficulty, unless some valid reason to deny such choice is cited, not to exercise preference by student. Particularly, in a peculiar situation like this, where because of closure of the school re-allotment is to be made afresh.

6. The petitioner No.2 has been denied admission in Sandipani School, Dabha where vacancy is there, on the ground that this school falls in the urban area whereas, the respondent No.5 – School was in rural area. It is argued that these urban and rural areas are carved out for administrative convenience.

7. Denial of admission on the ground not based on law, cannot be permitted as it would frustrate the object of the Act.

8. As far as admission to the petitioner No. 4 is concerned, 5 seats are available in Sandipani School, however, the admission is denied since the distance of the School is 9 kilometer. As per the statement of Shri Agrawal, learned Counsel for the petitioners, the parents of the

petitioner No.4 are ready to bear the expenses of transportation.

9. As far as the petitioner No.5 is concerned, there is a vacancy in Little Flower Convent, Fetari, which is ready to give admission to the petitioner No.5 if the Education Officer issued such direction.

10. As far as petitioner No.6 is concerned, he wants admission in Divine Providence School. However, there is no vacancy. Shri Agrawal, learned Counsel for the petitioners submits that the petitioner No.7 is admitted in the said school, however, he does not want to continue his admission in the said school.

11. If the petitioner No.7 cancels his admission in Divine Providence School, the Education Officer on such vacancy may consider the name of the petitioner No.6 for admission in the said school.

12. As far as petitioner No.8 is concerned, the learned Counsel for the petitioners submits that the petitioner No.8 will submit an affidavit to the Education Officer informing him change of address and the name of the school i.e. Essence International School, Waddhamna, where the vacancy is there and the name of the petitioner No.8 can be considered.

13. As regards the petitioner No.9, he wants admission in Late Matadinlalji Jaiswal School where there are two vacancies and the Education Officer has already agreed to consider the admission as per vacant seats.

14. In the above referred backdrop, the Education Officer is directed to consider the admissions of the petitioner Nos.2, 4, 5 and 6 in view of above referred observations and file an affidavit by Monday i.e. on 30.06.2025.

(VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)