

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 775 OF 2024

Nivas Shamrao Patil

...Petitioner

VERSUS

Secretary Education Department
School Education And Sports Dept.
Govt. of Maharashtra And Ors.

...Respondents

Mr. Prashant Bhavake, Advocate for the Petitioner.

Mr. Ajit M. Savagave a/w Mr. Manthan S. Bhandigare, Advocate for
Respondent Nos. 2 to 4.

Ms. Tejas J. Kapre, AGP for the Respondent No.1-State.

CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.

DATE : 6th MARCH, 2026.

P. C. :

1. Heard the learned Counsel appearing for Petitioner, learned
Counsel appearing for Respondent Nos.2 to 4 and learned AGP for the
Respondent No.1-State.

2. By the present Writ Petition filed under Article 226 of the
Constitution of India, the Petitioner has sought following reliefs :

*“a. This Hon’ble Court be pleased to issue a writ of
mandamus and / or any other writ in the nature of mandamus
and be pleased to further direct the Respondents No.2 and 3 to*

countersign the School Leaving Certificate of Ms. Siddhi Nivas Patil (Daughter of Petitioner herein) being Exhibit "B" to the present Petition.

b. Any other just or equitable Order or relief as this Hon'ble Court may deem fit and proper be granted."

3. It is the submission of Mr. Bhavake, learned Counsel appearing for the Petitioner, that the Petitioner's daughter is unable to secure admission to Jawahar Navodaya Vidyalaya, Ratnagiri, although she has qualified in the entrance examination conducted by Jawahar Navodaya Vidyalaya as the Respondent Nos. 2 and 3 have refused to countersign the School Leaving Certificate of the Petitioner's daughter. Learned Counsel submits that the Petitioner's daughter has studied in the 5th Standard at English Medium School, Latwan, Taluka Mandangad, District Ratnagiri. In support of his contention, learned Counsel has relied upon the Annual Result Card (Page 42).

4. Learned Counsel appearing for Respondent Nos. 2 to 4 relied upon the Affidavit-in-Reply dated 22nd March, 2024, filed on behalf of Respondent Nos. 2 to 4. He invited the Court's attention to paragraph-6 of the said affidavit and submitted that the Petitioner's daughter had never attended the said school and that, in fact, a bogus record has been prepared. He further submitted that a First Information Report has been lodged against the Petitioner as well as Mayur Dashrath Sutar, the Headmaster of Respondent No.5 – School. Paragraph-6 of the said

affidavit reads as under :

“6. I say that thereafter on 8th January, 2024 the squad of education department visited the parent school and examined school record and accordingly I prepared the report dated 9th January, 2024. Hereto annexed and marked as Exhibit-“A-3” is the copy of said report dated 9th January, 2024. I say that I also called upon the Head Master to give explanation in writing about illegal admissions. I say that thereafter the Head Master submitted his written explanation on 9th January, 2024 and admitted that Kum. Siddhi Nivas Patil and Kum. Tanaya Sandeep Kamble was not attended the school for single day. He also admitted that for want of strength of students standard 6th to 8th is closed down. He also admitted that there are several wrongs and illegality done in administrative and school work. Hereto annexed and marked as Exhibit-“A-4” is the copy of said written explanation submitted by Head Master. I say that thereafter I made inquiry with Sarpanch of Latavan Grampanchyat and made inquiry about residence of the Petitioner and residence certificate dated 29th September, 2023 submitted by the Petitioner during inquiry on 26th October, 2023. Hereto annexed and marked as Exhibit-“A-5” is the copy of said residence certificate produced by the Petitioner during inquiry on 26th October, 2023. I say that by letter dated 11th January, 2024 the Sarpanch informed me that the Petitioner is not residing at Latvan and he has not issued residence certificate dated 29th September, 2023 to the Petitioner. He also pointed out that the signature made on said residence certificate is forged and said certificate is fabricated. Hereto annexed and marked as Exhibit-“A-6” is the copy of said letter dated 11th January, 2024 issued by Sarpanch of Latvan Grampanchyat. I say that accordingly I forwarded the report dated 9th January, 2024 along with documents collected during inquiry to the Respondent No. 2.”

(Emphasis added)

5. The supporting documents, namely the written explanation submitted by Mayur Dashrath Sutar, the Headmaster of Respondent No.5

- School, clearly record that he has admitted his mistake and has requested that he be given one opportunity. In the said explanation, he has specifically stated that four students, including the Petitioner's daughter, had never attended the school. Even the mark-sheet, on which the Petitioner has heavily relied, is undated.

6. The perusal of record further shows that the Sarpanch has confirmed that the Petitioner is not residing at Latvan and he has not issued residence certificate dated 29th September, 2023 to the Petitioner and the said residence certificate is forged and said certificate is fabricated. The contents of said Affidavit-in-reply has remained uncontroverted. Thus, no interference in the exercise of the jurisdiction of this Court under Article 226 of the Constitution of India is warranted. Accordingly, the Writ Petition stands dismissed with costs.

Digitally
signed by
SAJAKALI
LIYAKAT
JAMADAR
Date:
2026.03.09
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+0530

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]