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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10828 OF 2026

JITENDRA SHANKAR NIJASURE
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Date: 2026.10.01 19:08:29 +0530

Javed Dawood Nadaf ...Petitioner

Versus

State of Maharashtra & Ors. ...Respondents

Mr. Rajesh Khobragade with Mr. Arun Dubay and Vinay Khobragade for the Petitioner.

Ms. Priyanka Patil for Respondent No.3.

CORAM : R.I. CHAGLA AND
FIRDOSH P. POONIWALLA, JJ.
DATE : 1ST OCTOBER, 2026.

O R D E R:

1. Rule. Rule made returnable forthwith. Heard by consent of both parties.

2. The Petitioner filed online Application under RTE 25% quota for class I admission for his minor son Master Nadaf Diyan Javed in Respondent No. 4 - School.

3. An official SMS confirmation dated 15th May 2026 from the School Education and Sports Department stated that the said

minor son of the Petitioner has been selected in Selection List No.2 for Respondent No. 4 - School.

4. The Petitioner submitted all original documents to Panchayat Samiti office in May 2026, and Application status of Petitioner's minor son on official RTE Portal reflected as "Admitted". The Respondent No.4 - School had called upon the Petitioner on 1st June 2026 and raised objection regarding the Petitioner and his family not residing at Flat No. 102, Building No. 29, KH-1, Vastuvihar, Section – 16, Kharghar, Navi Mumbai, District – Raigad, Maharashtra - 410210 (the said premises) on the ground that the said premises had been locked, and accordingly placed the admission of the Petitioner's son on hold. The portal status has also been changed to "Rejected".

5. The Petitioner filed formal representation/complaint on 4th June 2026 before the Respondent Nos. 2 & 3. However, no action has been taken on the Petitioner's minor son's admission.

6. Accordingly, the present Writ Petition has been filed.

7. When the matter had come up on 9th September 2026, the learned Counsel for the Petitioner had relied upon registered Leave and License Agreement dated 24th December 2025, which was for a period of 11 months, commencing from 20th December 2025 and ending on 19th November 2026. In view of the objection taken by Respondent No.4 - School to the Petitioner's claim of the Petitioner family residing at the said premises, this Court had directed Respondent No.4 - School to once again visit the said premises in order to ascertain whether the Petitioner and his family are residing there.

8. Thereafter, the matter had come up on 17th September 2026, wherein it was recorded that the representative of Respondent No.4 - School had visited the said premises on the stipulated date, viz. 11th September 2026 at 11:00 a.m. in order to ascertain whether the Petitioner and his family are residing there. A report had been filed by Block Education Officer, Panchayat Samiti, Panvel, stating that the representative of Respondent No.4 - School, upon visit of the said premises had found that there were only two mattresses of the Petitioner in the said premises. The Petitioner was also present at the said premises.

9. In view of a dispute being raised in so far as the Petitioner was actually residing at the said premises, this Court had appointed a Court Commissioner, (lady officer of this Court), to visit the said premises, within a period of one week from the date of the said order, and file a report to this Court. The Appointed Officer was also to ascertain from the neighbors of the said premises as to whether the Petitioner and his family are residing in the said premises.

10. Today, a report of the Court Commissioner has been placed before this Court. The Court Commissioner who had visited the said premises has arrived at a conclusion that the Petitioner and his family are residing at the said premises. An attendance memo of parties present and statement of neighbors have been annexed as Annexures A and B to the report of the Court Commissioner. The Court Commissioner's report is taken on record.

11. In view of the report of the Court Commissioner, we are satisfied that the Petitioner and his family are residing at the said premises and that the cancellation of admission of the Petitioner's minor son on the ground that the Petitioner and his family are not

residing at the said premises mentioned in the Leave and License Agreement dated 24th December 2025 is erroneous. Hence, the following order:

(i) The impugned action of Respondent No.4 - School in cancellation of admission of Petitioner's minor son is set aside.

(ii) Respondent No.2 - Director of Education; Respondent No.3 - Education Officer and Respondent No.4 - School shall grant immediate admission to the Petitioner's son, viz. Master Nadaf Diyan Javed, in Class I of Respondent No. 4 - School and complete all formalities under RTE quota for admission year 2026–2027.

(iii) Respondent No.2 - Director of Education and Respondent No. 3 - Education Officer shall ensure compliance with RTE Act, 2009.

(iv) The Writ Petition is accordingly allowed in the aforesaid terms. There shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.] **[R.I. CHAGLA J.]**