

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2118 OF 2021

Master Dhairyra Pritesh Bansod

.vs.

The Principal, Mothers Pet Kindergarten, Nagpur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr S. S. Sanyal, Advocate for the petitioner
Mr W. T. Mathew, Advocate for the respondent No. 2

CORAM : SUNIL B. SHUKRE AND
G. A. SANAP, JJ.
DATED : 27.06.2022

Heard.

2] During the pendency of the petition, certain developments occurred and those developments culminated into declaration of the result of the KG-II standard examination taken by the respondent No.1 while, the balance fees were also paid by the parents of the petitioner. These developments have satisfied all the prayer clauses and from this view point, this petition has been rendered infructuous.

3] However, Shri S. S. Sanyal, learned Advocate for the petitioner likes to carry this petition forward by agitating new issue arising from the rejection of the application form of the petitioner seeking admission to 1st standard in Centre Point School, Dabha Branch, run by Mother's Pet Education

Society. Mother's Pet Education Society is the Society, which also runs respondent No.1 School. But the Society has not been made party here. The learned counsel for the petitioner submits that the petitioner is aggrieved by unjust rejection of his application form and delayed communication of rejection of application form. For this purpose, learned counsel for the petitioner seeks leave of the Court to amend the petition as per the proposed amendments contained in the application. This prayer has been strongly opposed by Mr. W. T. Mathew, learned counsel for the respondent No.2 on several grounds. He also submits that there is no right vested in the petitioner to seek admission to 1st standard of School which is an Un-aided Minority Private School, as per the law declared by the Apex Court in the case of ***Society for Unaided Private Schools of Rajasthan .v/s. Union of India and Anr.***, reported in, ***(2012) 6 Supreme Court Cases 1.***

4] We would have certainly considered the amendment application moved by the petitioner had there been any possibility of its bearing out any fruitful result. But, as we see from the law laid down by the Supreme Court in the said case of ***Society for Unaided Private Schools of Rajasthan (cited supra)***, such possibility is very bleak or it is almost non-existent. The Supreme Court, in the said case has already held that a Private Un-aided Minority School is not covered by the Right of Children to Free and Compulsory Education Act, 2009 and such being the position, there would be no corresponding right vested in a

student to seek admission to such a School and that it would be absolutely within the discretion and of the prerogative of the Private Minority Un-aided School. Secondly, there may be delay in communication of rejection of the application form by the School to the petitioner, but this delay in communication by itself would not create any right in the petitioner to seek admission to such a School. At the most, the petitioner would have to pursue an alternate civil remedy for the loss which may have occurred to the petitioner due to the delay in communication.

5] In this view of the matter, we find that now nothing survives in the petition. The petition is disposed of, accordingly.

6] All pending civil application(s), if any, is/are also disposed of.

(G. A. SANAP, J.)

(SUNIL B. SHUKRE, J.)