

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 1743 OF 2019

Master Rajpurohit Ridham Devichand ... Petitioner

Vs

1 Union of India & 2 Ors. ... Respondents

Mr. Ridham Devichand Rajpurohit i/b Narpal Singh, Akhil George, Gajendra Singh & Thanreela M.B. for the Petitioner.

Mr. D.P. Singh for the Respondent No.1.

Mr. Anjani Kumar Singh i/b Siddhesh Subhash Sutar for the Respondent No.3.

**CORAM : S.C. DHARMADHIKARI &
G.S. PATEL, JJ.**

MONDAY, 10TH JUNE, 2019

P.C. :

1 The petitioner's counsel relies upon The Right of Children to Free and Compulsory Education Act, 2009, and submits that the Ajmera Global School is included in the definition of the term "School". It may not be receiving any aid, but even an unaided school is obliged to treat the child sympathetically and not visit him with such remarks as would discourage him to continue the studies. The child is a child

between six to fourteen years of age. Being of tender age, his entitlement to elementary education in terms of this legislation cannot be defeated and particularly when the child has been visited with the gradation card or result sheet, copy of which is at Exhibit-A to the petition.

2 We are unable to accept this contention.

3 The final term report of the child in Grade-VI has been carefully perused by us. It is not as if the child was not looked after. In fact, the documents and which are referred in the petition itself denote that the parents have been told on numerous occasions that the child requires some attention at home.

4 It is clear from a perusal of Exhibit-A that the child is not held back deliberately, arbitrarily or in a *mala fide* manner. The school has a certain standard and that it not set by itself. It is a Cambridge Assessment International Education and in Cambridge International School of which set up, this school is a part. It has set certain standards and norms. Its overall remarks

indicate as to how the child was cared for and looked after. However, the school teachers feel that the child requires supervision to handle tasks at hand. He needs to put in hard work for all assignments given to him. His writing tasks and reading habits needs to be cultivated at home. He has also to learn to handle peer pressure and not succumb to provocations easily. Some remarks may be found to be objectionable to the parents, but eventually they point towards lack of attention even by them to the needs of the child. He has to be given some training at home. The right values have to be inculcated. His habits have also to be improved. If that is the obligation and responsibility of the parents, then turning around and blaming the school alone would not enable us to issue the writ sought for.

5 We do not think that in matters of this nature and in decisions of academic bodies, we should interfere in our writ jurisdiction. The petition is, therefore, dismissed.

6 We record the statement of the advocate for the School Management, made on instructions, that in the event the parents approach the School Management, the School

Management is ready and willing to hand over a Transfer Certificate which would enable the child to admit himself in another School, but in Grade VI. The certificate will not definitely indicate that the child has successfully completed the VI standard in the Ajmera Global School. The statement is accepted.

G.S. PATEL, J.

S.C. DHARMADHIKARI, J.