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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION (L) NO. 26492 OF 2019**

Rameshwar Gangaram Dakhorkar ...Petitioner  
*Versus*  
State of Maharashtra through Chief Secretary, ...Respondents  
Education & Sport Department & Ors

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**Mr Akshay A Deshmukh**, *for the Petitioner.*  
**Mrs Reena A Salunkhe**, *AGP, for Respondents Nos. 1, 2, 5 and 6-*  
*State.*  
**Mr NR Bubna**, *for Respondent No. 7.*

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**CORAM: S. C. DHARMADHIKARI &  
G.S. PATEL, JJ**  
**DATED: 4th October 2019**

**PC:-**

1. After this writ petition was argued for some time, we are informed that the petitioner before us is the father of one male child and one female.

2. As far as the respondent No. 7 school is concerned, it admitted both the boy as also the girl. Thus, the son and the daughter of the petitioner were taking education in this school but subsequent events including those leading to this writ petition have resulted in both leaving the respondent No. 7 – school. After that

the boy stated to be aged 15 years is presently taking education and is studying in tenth standard in another school.

3. We felt that a girl child aged 11 years and sitting at home without schooling for one and half years now should not result in her being deprived of basic, fundamental and elementary education. She being a girl child between six and fourteen years, it is her constitutional right under Article 21-A of the Constitution of India and corresponding fundamental duty of the father (the petitioner) to give her an education. His grievances with the school should not harm her rights and interests. His failure to perform his parental /constitutional duties enables us to enquire with the petitioner as to whether he is ready and willing to have this girl child admitted in any school, other than the respondent No. 7, situate in close vicinity of the residence of the petitioner and the girl child. Further, the petitioner shall not precipitate the matters by raising issues concerning fees charged and the manner in which education is imparted at the school which would be assigned to this girl child by the Education Officer.

4. Although the Education Officer identified three other schools for this girl child, we are informed by Ms Salunkhe, learned AGP, that on account of the behaviour and misconduct of the petitioner the child was turned away by these schools as well. Thus, in addition to the respondent No. 7 three other institutions have refused admission to this girl child.

5. In such circumstances, we demanded and justifiably an undertaking in writing from this petitioner that should we make arrangement by our order and writ for education of the girl child aged eleven years, he will not inter-mrddle or interfere not only with the education, admission and conduct of the courses at school but he will not question the management and administration of such school/s and the Education Officer about the rate of fees charged and related matters. Further he will not threaten these managements and administrations by filing police complaints against not only the office bearers but the teachers and staff of the school/s.

6. Since we demanded such an undertaking in writing, the petitioner's advocate thinks it fit to seek time to explain the consequences of the order passed today and the undertaking that is required or demanded from him.

7. Purely to consider this aspect of the matter and on grounds of sympathy, we post this matter 'for passing orders' on 10th October 2019.

**(S. C. DHARMADHIKARI, J)**

**(G. S. PATEL, J)**