

Before the Maharashtra State Commission for Protection of Child Rights.
Enquiry, under sections 13 and 14 of the Commission for Protection of Child
Rights Act, 2005 and section 31 (1) (b) of Right to Education Act, 2009.

C.R.No.150/2015

Shri Akbar Khan ----- Complainant

Vs.

St. Theresa's High School, Bandra, Mumbai ----- Respondent

Background:-

This matter came before the Commission by one Shri Akbar Khan making the allegation against St. Teressa's High School. The matter was listed by the Commission on 30th August, 2014 and passed the following order:-

"Heard the matter. As school is minority institution, therefore, this matter is free from purview of Right to Education Act, following the Hon'ble Supreme Court's order, directed to place the matter under Commission for Protection of Child Rights Act."

Further, this matter has been filed by the complainant under the Commission for Protection of Child Right Act, 2005 and matter was heard on 15th September, 2015. After hearing the case, following order has been passed by the Commission:-

"Complainant, Mr. Akbar Khan, was present. Others such as Education Officer, Deputy Director (Education) were not present. This matter came before the Commission, earlier against the School. However, being a minority institution, matter does not fall under the Right to Education Act, following the order of the Supreme Court. Thus, Commission disposed the matter, directing the complainant to file complaint under Child Right Commission Act, if rights of child is violated and filed a complaint in proper way, i. e. affirm complaint. Complaint filed by the complainant, requested to take action against the school and also made recommendation to get his child admitted in any English School. So far action against the School is concerned, he has been directed to file a detailed corroborative evidences within two days by which it could be proved that the school has violated the rights of child in term of mental and physical harassment. So far issuing the recommendation to get admitted his child in any English School is concerned, it does not fall within the purview of Commission. However, School Education Department may be directed to ensure the admission and schooling of his son in the nearby school from his residence as per Right to Education Act, 2009 and rule made there under. N. C. registered by the Police against the school has been produced by the complainant. It shows that no F.I.R. is registered by Police. The concerned Police Officer is directed to submit the report on N. C. accordingly, the matter is closed for order." The complainant did not produce any corroborative evidences, before the Commission. No report is received from the Police.

2. The School has submitted a report on 16th October, 2015 mentioning that complainant, Shri Akbar Khan, approached the School requested to promote his child to Standard Fifth. Based on the application of the complainant, the School has asked the complainant to come on 18th October, 2015 to complete the formalities of admitting the child in Standard Fifth. On

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the basis of submission of the School, the Commission presumes that matter is settled between the parties. Directing the School Education Department to settle the issue of schooling of the complainant's child, if matter is unresolved. Accordingly, the matter is disposed of.

By order and seal of the Commission



(A. N. Tripathi)

I.F.S.

Secretary

Maharashtra State Commission for Protection
of Child Rights.

Date:- 05 NOV 2015