

R/9
1575

The Commission's recommendations in this matter
CR-197/2014 is prepared and placed on file "A" (page 422)
for ~~of~~ concurrence _____

31
_____5
9.9.2015

Chairman (Incharge)

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_____5
11/9/15

In order

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15.9.2015

4/27
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Before the Maharashtra State Commission for Protection of Child Rights.

Enquiry, under section 13 (1) of the Child Right Protection Act, 2005 and
section 31 (1) (b) and 32 (3) of R.T.E Act, 2009.

Case No.197/2014

Shri Yogesh Raguhnath Pawar and Others ----- Petitioners

Vs.

Fatima High School and Others ----- Respondents

Background:-

Complainant, Shri Yogesh Raghath Pawar filed a complaint before the Commission saying that his effort since April, 2014 to get admission of his daughter in the in first standard in Fatima High School, in Vidhya Vihar (West), Mumbai, has gone futile. Even after producing letters, received from Member of Parliament, Shri Kirit Somaiya, Education Minister, Secretary (Education), and Deputy Director (Education), the School did not take the cognizance, therefore, he has approached the Commission for redressal of his grievance.

3. The Commission took the cognizance, listed the matter, called the parties, i. e. Principal of Fatima High School, Education Inspector and complainant. On 30th August, 2014, during the hearing, before the bench, consisted with Secretary of the Commission and then Incharge Chairman. The School, through its Principal, has filed a reply saying that being a minority unaided School, it does not come under the purview of Right to Education Act. Therefore, the School is not bound to give the admission under the 25% quota prescribed for those students who belong to the weaker section of society. The School has also submitted in the reply that distance of residence of the

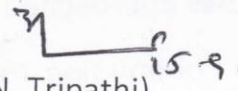
complainant is about 2.5 k.m. from the School, therefore, it does not come under the purview of the rule called Maharashtra Right to Education Rule, which prescribe to provide the schooling of the child within 1 k.m. periphery from his or her residence. Therefore, saying that Fatima High School is violated the provision of law is far away from truth. After hearing the parties, the Commission directed the School Education Department to settle the issue and submit the report.

4. In this matter, the Commission has already directed the School Education Department to settle the issue and submit the report, however, till date neither report has been submitted by School Education Department, nor did complainant approach the Commission. The Commission, by its letter dated 21st July, 2015 reminded the School Education Officer to submit the report.

5. In view of above, the School Education Department is directed to settle the issue and submit report. 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:- 15 SEP 2015