

दि 19/12/19
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Order of The Commission is prepared and placed on 'flag A' for Concurrence

MAHARASHTRA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS
1st floor, Government Transport Service, Sitabuldi, Chhatrapati Shivaji Maharaj Terminus, Mumbai
Telephone No. 24920895 / 94 / 97 E-Mail: mscpr@mscpr.com

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31.12

Chairman (Encharge)

326
31/12

क्र. सं.	प्रकरण क्रमांक	विषय	तयारी करणारे अधिकारी	अंतिम विवेक / कार्यवाही
1	107/2012-13	बाळ कायदा प्रमाणित करणे, दोषी विद्युत्कारण प्रयोग करणे याबाबतचे आदेश देणे व याबाबतचे अन्वयकारक ठरवणे व याबाबतचे अन्वयकारक ठरवणे व याबाबतचे अन्वयकारक ठरवणे	Smt. P. V. Choudhari, Probation Officer	Police report is received. Children are with the parents. Therefore, no need to call Chairman / Member of Juvenile Justice Board as it was observed by the commission during last hearing. On the basis of police report matter is closed for order.
2	45/2013	अंतराळ गेट पलीत जीव शरीरानिर्णय करणे व याबाबतचे अन्वयकारक ठरवणे	ABSENT	List matter on next hearing.
3	13/2013-14	शिविर तयार करणे व याबाबतचे अन्वयकारक ठरवणे व याबाबतचे अन्वयकारक ठरवणे	Smt. Jashvi Lad Shri. Jitendra Lad	Directing D.C.P.U. to visit and record the statements of such children and submit report.

Before the Maharashtra State Commission for Protection of Child Rights.

Enquiry, under sections 13 (1) and 14 (1) of the Child Right Protection Act, 2005 read with sections 31 and 32 of the Right to Education Act, 2009.

Case No.107/2014

Mrs. Mumtaz Shaikh

Petitioner

Vs.

Saint Joseph High School, Agripada, Mumbai

Respondent

Background:-

This matter has been filed by one Mrs. Mumtaz Sheikh, parent of Miss Sheza and Miss Namrah alleging that her both daughters were studying in the Saint Joseph High School, Agripada, Mumbai and now School is not admitting her daughter. The applicant has approached the Commission, requested to issue a direction to the School to allow her daughters to admit in the School. The history of the case is revealed that applicant, Mrs. Mumtaz Shaikh had admitted her both daughters in the Respondent's School. However, both were irregular in the School. Several times School Principal called the mother and reminded that if their daughters did not join school regularly then it would be difficult to allow them in the examination as per the S.S.C. Board Rule, 75 % attendance is needed in the Class. However, the mother i.e. applicant did not give any heed on the advice of Principal. Thereafter mother approached to the Principal in the month of January, 2014, requested for School Leaving Certificate saying that since she is shifting from Mumbai to Pune, therefore, for admission in the School at Pune, School Leaving Certificate is needed. On the request of the applicant, the School issued School Leaving Certificate for both the girls.

3. In the month of February, 2014 further complainant claimed to meet the Principal, requested to readmit her daughters, however, School denied to give the admission on the ground of attendance problem. Aggrieved by the school decision, complainant approached the Commission.

4. Commission issued the notice, called the Principal of the School, Principal of the School has filed detailed affidavit mentioning all the facts raising the issue that School is minority institution as well as the School Leaving Certificate was issued on the request of the complainant, therefore, School was unable to readmit their children on account of S.S.C. Rule which prescribed that seventy five percent of attendance is needed in Class.

4. The Commission has gone through the papers and documents, which show that School Leaving Certificate was granted by the School on the request of the complainant. Since complainant could not get admission in Pune, therefore, she further approached to the same School.

5. The said School is from minority institution; therefore, Right to Education Act is not applicable with the School. Therefore, no protection can be issued in this matter, thus following order passed by the Hon'ble Supreme Court on 6th May, 2014. The matter is disposed of without any order.

(A.N. Tripathi)
I.F.S.

Secretary

Maharashtra State Commission for
Protection of Child Rights.



(Ujjwal Uke)
I.A.S.

Chairman (In-charge)
Maharashtra State Commission for
Protection of Child Rights.

31 DEC 2014