

R) 5

Commission's observation is placed on Page A  
for concurrence.

3  
28/3

A. M. Turpin

Haible chairman

58  
10/12

3  
c.

9/799  
19

**Before the Maharashtra State Commission for  
Protection of Child Rights.**

**Appeal under section 31 & 32 of Right to Education  
Act 2009 along with section 13(1) & 14 of the child  
right protection act, 2005**

**Case No.154 / 2013-14**

**Shri. Adhikrao Y. Deshmukh ... Applicants**

**V/s**

**St. Peter's School, Panchgani ... Respondent**

**Background**

This matter came before the Commission by complainant Shri. Adhikrao Deshmukh, stating that his son Ashwin Deshmukh was studying in class IV of St. Peter's School, Panchgani. However he was not allowed to continue his education during year 2013-14 due to not depositing the fees. He has submitted that since his case fall under the 25% of quota earmarked for weaker section of society. Therefore school is bound to allow his son to continue his education. Complainant approached to the competent authority i.e. Education officer. Education officer passed an order and directed school to continue the education of Complainant's son under the 25% quota made for the child belong<sup>ing</sup> from weaker section of the society under Right to Education Act with direction to submit required proforma, for reimbursement of the fees before the competent authority, which incurred on the Complainant's son. However order passed by the Education officer could not be operative.



2. Failing to get the relief, Complainant approached the Commission. Commission took the matter and issued notices to the Respondent schools and education officer. Respondent's school appeared before Commission through its advocate and file written submission. In the written submission charges have been refuted.

3. In the written submission, it is mentioned that matter of Complainant does not fall under section 2(d) & 2(e) of Right to Education Act. The school has produced the application form dated 12/4/2012 in which Complainant has shown himself as business man and caste is Hindu-Maratha. The Complainant is having car therefore he does not fall under weaker section of society. School has raised issues that school fall under minority category. Therefore in the light of Hon'ble Supreme Court's order dated 12/4/2012 school is free from ambit of Right to Education Act. The school has admitted that he has no problem to admit the Complainant's son provided that fees is deposited by the Complainant. The school has submitted that as his case does not fall under 25% quota therefore without depositing fees school can not allow his son to continue his education in their school. During hearing Complainant did not able to produce required certificate by which it could be establish that his case attracts the provision of Right to Education Act which deals the freeship schemes for children of weaker section.

4. After going through submission made by both parties, legal issues, observation made by Hon'ble Supreme court following questions arises for consideration:

i. Whether matter of Complainant fall under freeship scheme of Right to Education Act.

7/801  
21

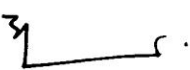
7. Answers of the questions as raised is as under:

Re : Question No. 1 – Matter of Complainant does not fall under freeship schemes.

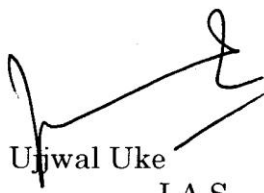
8. In view of foregoing paras, relevant legal provisions, documents, submission of the learned Advocates and answers of the questions as raised on the basis of the contentions, the Commission's observations is as under:

i. School is directed not to discontinue education of child provided that fees as prescribed by the Government of Maharashtra with respect to unaided minority school is deposited by Complainant.

By order and seal of the Commission.

  
A. N. Tripathi  
I.F.S.  
Secretary  
M.S.C.P.C.R.



  
Ujwal Uke  
I.A.S.  
Chairman (in-charge)  
M.S.C.P.C.R.

10 APR 2014