

P/21  
H95

Recommendation of The Commission is placed on flag 'A'  
for Concurrence.

A. N. Tripathi  
Secretary  
M.S.C PC-R

Chairman (Incharge)

38  
31/12

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Before the Maharashtra State Commission for  
Protection of Child Rights.  
Appeal under section 31 & 32 of Right to Education  
Act 2009

Case No.95 / 2013-14

Ms. Sharda Bhandare ... Applicants

V/s

M. N. English School, Goregaon ... Respondent

Background

This matter came by filing application from Smt. Sharda Bhandare alleging that her daughter Miss Gauri who is 6 years 3 months old was studying in M.N. English High School in Jr. K.G. but refused by the school to promote in 1<sup>st</sup> Std. In school. When complainant met the Principal along with volunteer of N.G.O. then she was informed by the Principal that school has deleted her daughter's name from the school failing to get any relief from the school, Complainant approached the Commission. The Complainant has further submitted that, after getting notice from the Commission, the Principal Mrs. Gunita Malhotra visited her husband's office & tried to pressurise him for withdrawing complaint. Ms.Malhotra has further visited her house & used coercive measure and started putting pressure for withdrawing complaint. Fed up with the attitude of Ms. Malhotra the Complainant has filed police complaint.

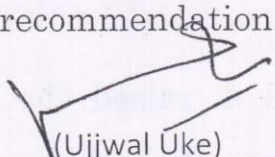
2. The school has filed written reply in detail & raised the several issues even non co-operative nature of parents. School has objected regarding locus standee of Mrs. Avisha Kulkarni before the Commission.

3. Under article 21(A) of Indian Constitution the state is duty bound to provide free & compulsory education to children between 6 to 14 years of age in the neighbourhood school. Section 12 of the

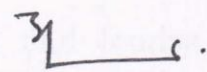
Right of Children for Free & Compulsory Act, 2009 prescribe the category of school & procedure of the admission. Similarly Section 2(n) of the said Act has prescribed the condition. The respondent school is in the category of school mentioned in sub clause (iv) of clause 2(n) of Right of Children for Free & Compulsory Act, 2009.

3. During the hearing it is submitted by the school that since complainant does not approach school in time therefore her child was deprived from education. The Commission directed education officer to submit report. Education officer visited the school & commented that school was reluctant to give the admission due to the problem between school management & complainant, it resulted into deprivation of complainant's child admission in the school. However, the school is in position to admit complainant's daughter even after completion of admission. On 24/6/2014 complainant has send a letter to the Commission requesting that since her daughter has been admitted in the school therefore she has no grievance and admitted that whatever happened in past is due to act of Ms. Avisha Kulkarni who is running N.G.O. called Desh Seva Samiti, Ms. Avisha Kulkarni having personal interest to settle score with school.

4. As this matter is sorted out by the school after admitting daughter of complainant and Complainant has been withdrawn her complaint. Therefore matter is disposed of without recommendation.

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



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

Date : 31.12.2014