



GOVERNMENT OF MAHARASHTRA

महाराष्ट्र शासन

MAHARASHTRA STATE COMMISSION FOR PROTECTION OF CHILD RIGHT

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क. बाहआ-2017 / 17-18 / प्र.क.117 /

दि. 14 / 6 / 2017

बालहक्क संरक्षण अधिनियम 2005 व बालकांचा मोफत व सक्तीचा शिक्षण अधिनियम 2009 अंतर्गत आयोगासमोरील दि. 14 / 6 / 2017 रोजीची सुनावणीचे कार्यवृत्त.

अ. क्र.	केस नं.	विषय	उपस्थित पक्षकारांची नावे	आयोगाचे निर्णय/आदेश
1	2	3	4	
1	केस नं 277 व 279 / 2016-17	RTE 25% ऑनलाईन प्रवेश प्रक्रिया 2015 अंतर्गत प्रवेश देण्याचे प्रस्तावित करूनही प्रवेश मिळाला नाही बाबत पालकांनी सेंट जोसेफ प्रायमरी स्कूल विरोधात केलेली तक्रार.	Absent	Parties did not appear. List matter on next hearing.
2	केस नं 317 / 2016-17	RTE 25% ऑनलाईन प्रवेश प्रक्रिया 2015 अंतर्गत प्रवेश देण्याचे प्रस्तावित करूनही प्रवेश मिळाला नाही बाबत शेख हाफिजा फिरोज अहमद यांनी के.इ.एस. इंटरनॅशनल स्कूल खार विरोधात केलेली तक्रार..	Shipra Sane, office incharge	Smt. Shipra Sane appearing on behalf of school, stated that school has been filed reply. Complainant and education officer both did not appear. In this matter procedure has been completed. Hence placed matter for final recommendation.
3	केस नं. 248 / 2016.17	Bhavan's B.P.Vidya Mandir & Bhartiya Vidya Bhavan appeal against Shri Mangesh Maind &	1. Advt. R.M.Bhangde for Bhartiya Vidhya Bhavan Applicant	Learned Adv. Shri Bhangade appeared for school, submitted facts and cited the contents of an order passed by the Hon'ble Supreme Court in the

		The Municipal Corporation Committee	2. Mangesh Maid Respondent	matter of Ishwar Nagr co-op. Housing building soc v/s Parma nand sharma and others decided in the year 2010. In the said matter no relief was granted by the Hon'ble Supreme Court by virtue of contrary document, produced by the party. As in this matter the opposite parties placed contrary records in term of income certificate, hence requested to set aside order of local authority. On this issue he was reminded regarding certificate issued by Tahsildar who is competent authority and unless order of Tahsildar is not set aside or stayed by the competent authority, the appeal may not be admitted. He admitted that he is going to challenge the order of Tahsildar, hence appeal may kindly be kept in abeyance. Admitted request of Advocate subject to the provision of law.
4	केस नं. 241 / 2016.17	Regarding admission under 25% quota, complaint from Smt. Surekha Deepak Phondekar	1 Mrs. Hina R. Dedhia ( Shree vallabh Ashram Eng. Med. School Sion 2. Mrs Sunanda Mirajkar (edu. Dept.) 3. Mrs Surekha Phondekar	Smt. Phondekar, Complainant, Smt. Mirajkar, Education officer, representative of school appeared. In this matter proceeding has been completed as informed by the parties. Hence place matter for final recommendation.

5	केस नं. 238/ 2016. 17	श्रीमती बबीता सिंग यांनी केलेली तक्रार	Absent	List matter on next hearing.
6	केस नं. 292/ 2016.17	दि टाइम्स ऑफ इंडिया मधील दि. 3 नोव्हेंबर 2016 ची बातमी "8-yr-old succumbs to burn injuries after firecracker lands on her dress"	1.S. R. Rode, A.K. 2. Shri. S.V.Bile A.P. Bile API Kalamboli Police Station.	Shri. S. V. Bile, API appeared, submitted report. Report reveals that, case is accidental hence on the basis of police report, case may be disposed of without any recommendation.
7	केस नं. 352/ 2016.17	श्रीमती शोभा तुकाराम जाधव यांनी केलेली तक्रार.	1.अॅड. संजयकुमार जाधव 2.श्रीम. शोभा तुकाराम जाधव 3. श्री. खेडकर, मं. अ, तहसिलदार कार्यालय, भिवंडी 4. श्री. सुनिल जाधव	Complainant, respondent and representative of Tahsildar appeared. Respondent Mr. Jadhav admitted that he was ready to hand over certificate to the children. Matter is disposed of on the basis of statement given by respondent. However in case of grievance of the complainant is not resolved she is free to come before the Commission.
8	केस नं. 107/ 2016-17 दि. 10/ 05/ 2016	महाराष्ट्र राज्य महिला आयोग यांच्याकडून प्राप्त तक्रार.' श्रीमती कांचन सरोदे यांनी केलेली तक्रार.'	1.अॅड. विठ्ठल अवघडे 2.अंबादास सरोदे तक्रारदार	Adv. Vitthal Avghade appeared on behalf of Complainant and requested time. Time is granted. List matter on next hearing.
9	केस नं. 1/ 2016-17	सौ. साधना प्रकाश सावंत यांनी केलेली तक्रार.	1. श्री. प्रकाश सावंत	Complainant did not appear. Respondent appeared. Directed to file affirmed reply in six sets within seven days. Place matter on next hearing.

10	केस नं. 328 / 2016-17	वालीव पोलीस स्टेशन गुन्हा रजि. नं. 541 / 2016 इ. पी.को. कलम 376 (F) (N) 506 (2) बालकांचे लैंगिक अपराधापासुन सरंक्षण अधिनियम 2012 चे कलम 4,6 (एन) (एल)(जे) 6,12 मधील आरोपींवर कारवाई न केलेबाबत.	1) श्री. भरत खोत अर्जदार 2) श्री. एस. एन. मारकड, सहाय्यक पोलीस निरीक्षक	Shri. Markad, API appeared. Brother of victim also appeared and admitted that his family is satisfied with the police's action. Directed officer to file chargesheet within prescribed limit under POCSO Act. Directed probation officer, to submit report regarding applicability of provisions of <i>Manodharya scheme</i> in this matter within seven days.
11	केस नं. 91 / 2016.17 29.04.2017	.श्री. मकरंद काणे यांची बेकायदा पध्दतीने वाढवलेली फी आणि फी न भरल्यामुळे मुलाला मानसिक त्रास दिल्याबद्दल सरस्वती मंदिर सीबीएसइ बोर्ड विरोधात तक्रार.	1. श्री. चौधरी, सहाय्यक उप शिक्षण निरीक्षक 2. श्रीमती पटेल, प्रिंसिपल 3. अॅड. अनुभा सहाय	School represented by it's Principal Smt. Patel, education department represented by Dy. Inspector and complainant represented by learned advocate Smt. Anubha Shrivastava Sahai, and parents of complainant, appeared. The principal asked seven days time to file reply, on account of receiving notice from the Commission one day back i.e. on 13/6/2017. In this matter , file revealed that the complaint was filed on 19.4.2017 and further on 18.5.2017 commission sought report from local authority on 4.5.2017. No report from local authority. Affirmed copies of the complaint placed by the advocate of the complainant on 14.6.2017. Issued notices to the parties on 9.6.2017. The learned advocate Smt. Anubha Sahai contended and asked the Commission to pass an order on the basis of contents of complaint, seeing urgency of the case and education of children. On which

			<p>Commission showed it's in ability, saying that, the Commission is a investigative agency having recommendatory power and having power of civil court only deal the respective matter, and without completing investigation and getting reply from respondent and completing procedural formalities, as prescribed under the law of natural justice and rule of procedure of the Commission, no recommendation can be made. She was also advised that since this matter is related with hike in fees and mental harassment hence, in the complaint, include the provision of Commission for Protection of Child Rights Act 2005 along with R.T.E. Act. Child rights is defined in the sub section 2(b) of C.R.C. Act 2005 has a wide scope. However instead of listening the advice of Commission she was insisting to invoke provision of Section 15(2) of C.R.C. Act, 2005, when reminded by the Commission that this Section can be invoked only after completing enquiry and completing formalities as laid down in section 15(1) of C.R.C Act,2005 which says,"The commission may take any of the following steps upon completion of enquiry held under this Act namely (i) where the enquiry discloses the commission of violation of child rights of a serious nature or contravention of provision of any law for the</p>
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				<p>non deserving, indecent and against the fundamental code of conduct to discharge duty as advocate. The act committed by her amount to perjury and deterring public servant to discharge of their duty as well as interfering with the functioning of the Commission and highly condemnable . The school has been given seven days time to file reply with direction to forward copies to the complainant and complainant was asked to file rejoinder if feel on the reply of school. All the proceeding must be completed within seven days from today. List matter on next hearing.</p>
12	<p>केस नं. 347 / 2016.17 14.12.2016</p>	<p>.श्री.नितीन पोपट वाघमारे यांनी सरस्वती मंदिर विरोधात केलेली तक्रार..</p>	<ol style="list-style-type: none"> <li>1. श्री. चौधरी, सहाय्यक उप शिक्षण निरिक्षक</li> <li>2. श्रीमती पटेल, प्रिंसिपल</li> <li>3. अॅड. अनुभा सहाय</li> </ol>	<p>School represented by it's principal, Smt. Patel, education department represented by Dy. Inspector Shri. Chaudhari, Advocae represented by complainant Smt. Anubha Sahai and parents appeared. Learned Advocae Smt. Sahai raised same issue as raised in the case No. 91/2016-17 at Sr. No.11 wherein respondent is same. When school sought time, raising the issue of serving the notice on 13/6/2017. She insisted the Commission to pass the order and take action under Section 15(2) of C.R.C. Act, 2005 raising the issue of filing case six months back hence school cannot raise the issue of time. When reminded that, in this matter no complaint was filed before he Commission, six months back, only</p>

				<p>Commission got a copy of complaint addressed to Director, primary education and notice was issued alongwith case No.91i.e.on 9.6.2017. Complaint ought to be filed in proper proforma hence and directed the learned Advocate to file complaint in proper proforma as prescribed in the rule of procedure and followed by her in case No. 91, but she was not in a position to listen advise of the Commission. In this matter also Commission decided to record it's observation and mentioned that she is free to challenge the observation of the Commission before the Hon'ble High Court. The Commission also observed as, "The Commission feel that action as being committed by her is uncommon, non deserving, indecent and against the fundamental code of conduct to discharge duty as advocate. The act committed by her amount to perjury and deterring public servant to discharge of their duty." The learned advocate and parent have been asked to file complaint in proper proforma addressing the Commission, with direction to forward copy of complaint to the school. The school directed to file reply within seven days. All the procedure in this matter must be completed within seven days from today regarding filing of complaint and reply. List matter on next hearing.</p>
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13	केस नं. 310 / 2016.17 2 / 11 / 2016	श्रीमती शीतल प्रवीण केदारे यांनी बालकल्याण समिती ठाणे विरोधात केलेली तक्रार.	1. श्रीमती शीतल प्रवीण केदारे अर्जदार 2. प्रवीण केदारे 3. श्रीम. मिनल ठाकरे, अध्यक्ष, बाल कल्याण समिती, ठाणे.	Smt. Thakur, Chairperson, CWC, Thane and the Complainant appeared. Directed the complainant to maintain dignity of CWC and to file affirmed complaint on account of CWC being a judicial authority, this Commission can take up matter only related to procedural aspect followed by CWC under Section 109 of the JJ Act, 2015 and cannot comment on legal order passed by CWC. If the complainant wants he may approach the Hon'ble Court. List matter on next hearing.
14	केस नं. 30 / 2016.17 08.02.2017	शोभा दयानंद चलवाड यांनी केलेली तक्रार 'शुभम दयानंद चलवाड वय 15 वर्ष इयत्ता 9वी याचा दि. 18.01.2015 रोजी ओंकार बालक आश्रम सातारा तांडा औरंगाबाद येथे मृत्यु झालेला आहे'	1. श्री. अशोक शिंदे, जिल्हा कार्यालय. 2. श्री. घावले, सुपरिडेंट 3. अॅड. रेणुका घुले, अध्यक्ष, बाल कल्याण समिती, औरंगाबाद	District Women & Child development officer appeared, The Complainant did not appear. This matter is related to the death of a child in a children home. The Superintendent stated that matter was reported to the Commission after incidence. Directed to file status report within seven days. Matter is disposed off without any recommendation.
15	केस नं. 29 / 2016.17 08.02.2017	सातारा स्टोरी साप्ताहिक दि. 30 जाने 2017 ते 5 फेब्रु 2017 रोजी संपादक सुधीर तुपे यांनी बाल कल्याण समितीची सातारा बाल हक्काबाबत चेष्टाबाबत प्रकाशित केलेला लेख.	1. श्री. दिलीप हिवराळे, जिल्हा बाल विकास अधिकारी, सातारा	District Women & Child development officer appeared, directed to file written submission.

16	केस नं. 33 / 2016.17 08.02.2017	अनिता गुप्ता यांनी यशोधम, लक्षधाम व गोकुळधाम स्कूल विरोधात मुलांना शाळेतून काढल्याबाबत केलेली तक्रार.	1. श्री. उदय पाठाडे, सहाय्यक उप शिक्षण निरीक्षक 2. डॉ.जयश्री नारायणन, प्रिंसिपल, गोकुलधाम स्कूल, 3. श्रीमती जयश्री पांढरे, प्रिंसिपल, यशोधन स्कूल 4. श्रीमती पुनम जयस्वाल, प्रिंसिपल, लक्षधाम स्कूल 5. गायत्री गुप्ता, पालक 6. गौरी पिल्लई, पालक	The Complainant appeared directed to file affirmed complaint. After receiving complaint, matter shall be placed before the Commission. Directed the Education officer to ensure the schooling of the children.
17	केस नं. 86 / 2016.17 29.04.2017	To rescue Anushka Shivastava	1. रमाणी, करकेरा तक्रारदार 2. श्री. जयेंद्र भोयर, सहाय्यक पोलिस निरीक्षक	In this matter Shri. Bhoyar, API appeared before the Commission, submitted report, After going through the report it appears that matter was dealt by CWC which is the competent authority. However, the police failed to rescue the child, The police stated that child is in U.P. with her relatives. Respondent did not appear. As CWC is the competent authority ; the matter is therefore referred to the CWC to take decisions with directions to submit the report.
18	केस नं. 53 / 2016.17 15.03.2017	Complaint received from Minister Women & Child Development Govt of India through Chairperson NCPDR regarding providing possible help to Miss Swarna, a seven years old rape victim girl	1. एस. आर. कुंभार, परिविक्षा अधिकारी, जिल्हा महिला व बाल विकास अधिकारी, पुणे 2. पी.एन.सुरुसे, जिल्हा महिला व बाल विकास अधिकारी कार्यालय, पुणे	Probation officer and Protection officer, District Women and Child Development office, Pune appeared, submitted report. The report revealed that the matter does not fall under <i>Manodhairya Scheme</i> . Closed the matter for final recommendation

19	केस नं. 182/2016-17 दि. 20/07/2016	श्री. नितीन कांबळे यांची तक्रार मुलीच्या शिक्षणाच्या नुकसानाबाबत व तिचे आरोग्यविषयक काळजी घेणेबाबत.	1. Shri.Nitin Kamble Complainant 2. Smt. Aruna Kakade, DCPO 3.Nitisha Kamble Respondant	Protection officer submitted report, directed to forward copy to the respondent and the complainant. If the parties feel, they can file affirmed reply. As the case is before the civil court under domestic violence Act; the outcome of the commission's recommendations shall be placed before the court.List matter on next hearing.
20	केस नं. 92 / 2016.17 29.04.2017	शुभांगी भोस्तेकर यांनी केलेली तक्रार.	1. Smt. Shubhangi Bhostekar, Complainant 2. Smt. Siddhvidya, Advocate for complainant. 3. Smt. Chitra Pawar, Advocate for respondent Shri. Parikh Sarkar 4. Shri. Atul Sing, Advocate for respondent Shri Prakas Postekar 5. Shri Krishna Khot, PSI	Adv. Siddhvidya appeared on behalf of the complainant. Adv. Atul Singh appeared on behalf of the respondent Shri. Bhostekar, Adv. Chaitra appeared on behalf of the respondent Shri. Parikh. Shri. Khot, PSI appeared on behalf of the Police. As this complaint is in letter form therefore directed Advocate to file complaint in proper form as prescribed under the rule of procedure of the commission, directed to forward copies to all the respondents.Directed parties to file their reply. List matter on next hearing.
21	केस नं. 22/ 2016. 17 02.02.2017	सिंदफणा आश्रमशाळेतील बालिकांवरील लैंगिक अत्याचाराबाबत अॅड. वर्षा देशपांडे यांची तक्रार	गैरहजर	List matter on next hearing.
22	केस नं. 48 / 2016.17 07.03.2017	राधिका सागवेकर व वर्षा गुरव यांनी मनोहर कोतवाल ट्रस्ट माध्यमिक विद्यालय विरोधात केलेली तक्रार	1. श्री. माळी, सहाय्यक उप शिक्षण निरीक्षक 2. श्री. उज्जैनकर, हेडमास्तर 3. श्रीमती राधिका सागवेकर, पालक	Shri. Mali, ADEI, the complainant, the school representative appeared. Directed education officer to depute Sr. Officer to visit the spot and submit report. List matter on next hearing.

23	केस नं. 346 / 2016.17 14.12.2016	माधुरी मंगेश गायकवाड यांनी केलेली तक्रार.	1. श्रीमती माधुरी गायकवाड, तक्रारदार 2. पाचोरे, पोलीस	Complainant, Respondent and the police officer appeared. Police officer placed the report and mentioned that the IO is busy with other work and could not come. Report says that various sections of IPC has been applied. Respondent appeared before the Commission, this is dispute between the neighbours. Complainant submitted that she needs police protection. This matter falls under the police commissionerate , Nashik. Directed the Commissioner of Police Nashik to send status report.
24	केस नं. 108 / 2017.18 3.06..2017	श्री. रामेश्वर गं. डाखोरकर यांनी 'निकाल रोखून शाळेने माझ्या पाल्यास वेटीस धरल्याबाबत' डी.एस. देसाई स्कूल विरोधात केलेली तक्रार	1. श्रीमती फेरेंरा, प्रिंसिपल 2. श्री. तडवी, प्रशासन अधिकारी, मनपा कल्याण डोंबिवली 3. श्री. डाखोरकर, तक्रारदार	Complainant, the school representative and Education officer appeared. Directed complainant to file complaint in proper way and forward copies to school and education officee. Directed the school to file reply within 7 days. List matter on next hearing.
25	केस नं. 111 / 2017.18 08.06..2017	The News of Hindustan Times Dt- 06-06-2017 'Four teenagers booked for raping 14-yr-old-boy.'	1. श्री. येदुरकर, पोलिस निरीक्षक 2. श्रीमती मधु मधवान, सदस्य, जेजेबी	Shri. Yedurkar, Police Inspector appeared and submitted report. JJB Member Smt. Madhu appeared. Member raised issue of institutional reforms and stated that issue required to be dealt by the Commission. Therefore to resolve this issue committee under the commissions consisting Members of JJB, NGOs need to form to undertake study and submit report. Constitution of committee shall be decided in the meeting of the commission.

26	केस नं. 112 / 2017.18 08.06..2017	The News of Times of India date 6/6/2017 'IB school's trustee teacher accused of KG student's'	<ol style="list-style-type: none"> <li>1. श्रीमती गजभिये, पोलिस निरीक्षक</li> <li>2. श्री. उतेकर, पोलिस निरीक्षक</li> <li>3. श्री. पथाडी, सहाय्यक उप शिक्षण निरीक्षक</li> </ol>	<p>Shri. Utekar, PI, and Smt. Gajbhiye investigating officer appeared and informed that to carry on arrest warrant against the accused ;matter is being taken up with the External Affairs Ministry. He was asked to submit status report and if help is required from the commission then he shall intimate the same to the commission.</p> <p>Advocate Bhuj appeared on behalf of the school stated that in this matter school's role does not come at this stage and admitted that school is ready to co-operate with I.O., after receiving status report, matter may be decided by the Commission.</p>
27	केस नं. 104 / 2017.18 01.06..2017	श्री. सुर्यकांत कुलकर्णी यांनी बाल कल्याण समिती परभणी विरोधात केलेली तक्रार	1. श्री. सुर्यकांत कुलकर्णी	Complainant Shri. Kulkarni appeared before the Commission. Received email from Dy. Commissioner and CWC requesting time. Asked the CWC to appear before Commission along with all documents relating with children residing in Socio Economic Trust. List matter on next hearing.
28	केस नं. 325 / 2016-17.1 29.10..2017	ॲड. श्री. अजय जैसवाल यांचा त्यांचे पक्षकार श्री. गणेश जयप्रकाश हेगीष्टे यांचे वतीने दाखल करण्यात आलेला दिनांक 25 / 10 / 2016 रोजीचा तक्रार अर्ज	1. श्रीमती परुळेकर, परिविक्षा अधिकारी, जिल्हा महिला व बाल विकास अधिकारी कार्यालय, मुंबई	Representative of District women and child development officer, Mumbai appeared. Stated that the notice received was one day before and the concerned person is already engaged in other work so he is unable to attend, Requested to grant time, request admitted. List matter for next hearing.

29	केस नं. 105 / 2017. 18 01.06..2017	श्री. शिवाजीराव गेडेवाड यांनी शासकीय मागासवर्गीय मुलींची वसतीगृह मुखेड जि. नांदेड विरोधात केलेली तक्रार	गैरहजर	List matter on next hearing.
30	केस नं. 114 / 2017.18 01.06..2017	पालकांनी युनिव्हर्सल हायस्कूल दहिसर विरोधात केलेली तक्रार	1. श्री. पथाडी, सहाय्यक उप शिक्षण निरीक्षक 2. अॅड. अमिभा सहाय 3. इशाक कुरेशी, पालक 4. श्री. कल्पेश, पालक 5. श्री. रुपेश, पालक 6. श्री. रविंद्र, पालक 7. श्रीमती रचना, पालक 8. श्रीमती तेजस्विनी, पालक 9. श्रीमती स्नेहलता, पालक 10. हिरल शाह, पालक	The Commission took this matter on the basis of complaint received in an email from 29 <sup>th</sup> May to 12 <sup>th</sup> June 2017 by parents raising issues of 70 to 80 of the children , against the school claiming by the parents that their children are being mentally harassed by the school and the school has hiked the fees, de enrolled the students issuing leaving certificate etc. . Notices were issued to school's authorities, education department, parents. Learned Advocate Shri. Amogh Singh appeared on behalf of school, raised an objection for the applicability of provision of R.T.E. Act. Since school is minority then R.T.E. Act shall not be applicable by virtue of Hon'ble Supreme Court's order dated 6/5/2014 and also stated before the Commission that 70 parents have informed the school that they have withdrawn their complaint. The Commission admitted the objection subject to file written affirmed reply as stated before the commission regarding

			<p>withdrawal of the complaint and asked the learned Advocate that Commission can take up this matter under C.R.C. Act 2005, for those whose grievances are still not resolved. The learned Advocate admitted the suggestion of the Commission. Learned Advocate Smt. Anubha Sahai who appeared in the case No. 91 and 347 appeared on behalf of thirteen parents and raised same issues as raised in the other two wherein she appeared. Since she was reluctant to listen the advise of the Commission. Hence the Commission asked the parents and those concerned with the issue to join as one party and file complaint jointly authorising some as representative or separately, after mentioning incident. Copies directly forwarded to the school, along with the evidentiary papers, by which it can be established that, children underwent physical / mental harassment due to the act of the school. Directed learned Advocate Smt. Sahai appearing for school to file reply after receiving the complaint. The entire procedure must be completed within seven days from today. The parents who appeared tried to raise their issue, then they were asked to raise</p>
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				<p>issue one by one, not in group. If they raise issues in group then there will be difficulty in conducting the proceeding; they agreed. The learned Advocate Smt. Sahai was raising irrelevant issues in this matter also. She was reminded about the conduct of other advocates who were admitting the advice of the commission but she did not pay any heed. She was told that this is not a public or political forum this is quasi judicial authority, working as per set procedure of laws, mandated under the Act. List the matter on the next hearing.</p>
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Sd/-  
(Pravin Ghuge)  
Chairman

Sd/-  
(A.N.Tripathi, I.F.S.)  
Secretary

Sd/-  
(Swarada Kelkar)  
Member

Sd/-  
(Prof. Asma Shaikh Patel)  
Member

Sd/-  
(Santosh Shinde)  
Member

Sd/-  
(Vijay Jadhav)  
Member