

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO. 15956 OF 2026

Advik Narendra Masure (Minor)
through Narendra Ramchandra Masure

... Petitioner

V/s.

State of Maharashtra through its
Secretary, School, Education and
Sports Dept. and Ors.

... Respondents

Mr. Sidheshwar Biradar a/w. Dinesh R. Shinde a/w. Omhari B. Fawade for
the Petitioner

Ms. Priyanka B. Chavan, AGP for Respondent nos.1 to 3 - State

CORAM : R.I. CHAGLA AND
FARHAN P. DUBASH, JJ.

DATE : 11TH JUNE 2026

PC. :

1. The present writ petition has been filed under Article 226 of the Constitution of India, by the Petitioner who is a minor child, through his Natural Guardian and Father, challenging the acts of the Respondents, in particular, Respondent nos. 4 and 5 who are stated to have rejected his application form for admission into the 1st standard under the reserved Schedule Caste category under the Right of Children to Free and Compulsory Education Act, 2009 (*said Act*).

2. The present writ petition has been moved today for urgent reliefs since the last date for submission of applications for admission is stated to be tomorrow, *viz.* 12th June 2026.
3. Ms. Priyanka Chavan, learned AGP appears for Respondent nos. 1 to 3. Mr. Sidheshwar Biradar, learned counsel who appears for the Petitioner, submits that all the Respondents have been served with a copy of the writ petition and are aware of the matter being listed on today's board. However, despite such service, none appears for Respondent nos. 4 and 5 who are the main contesting parties. In the circumstances, considering the urgency involved, this Court has taken up the present writ petition for ad-interim / interim reliefs.
4. Briefly stated, it appears that one of the conditions for securing admission into a school under the said Act is the submission of proof of address of the applicant residing in 1 kms radius of the vicinity of the school in which admission of the child is sought and in case, an applicant is not the owner of residential premises, the document that is required to be submitted by the applicant is a copy of the registered lease and license agreement evincing residence in the nearby vicinity of the school.
5. In the present case, the Petitioner has sought admission into the 1st standard in Respondent no. 6 school for the academic year 2026 - 2027. The petition asserts that the father of the Petitioner has been residing on rental basis at the Airoli – Navi Mumbai address mentioned in its cause title since about the last 12 years. In support, various documents of the father of the Petitioner including *inter alia*, documents relating to gas connection granted to him, his passport, documents relating to his savings bank account, etc. have been

annexed to the present writ petition in which the same Airoli – Navi Mumbai is reflected, the earliest of which is dated 2021.

6. However, it appears that being unaware of the above requirement, the father of the Petitioner had initially submitted a copy of a leave and license agreement dated 3rd July 2025 (*Exhibit D to the present writ petition*) as proof of their residence at Airoli – Navi Mumbai together with the application submitted by him, for seeking admission of the Petitioner into the 1st standard at Respondent no. 6 school under the 25% reserved Schedule Caste category of the said Act. Notwithstanding this, it appears that the said application bearing number 26TH002701 was favourably considered by Respondent no. 4 who issued a provisional allotment letter / certificate dated 15th May 2026 in that regard.

7. However, by a subsequent communication dated 28th May 2026, it appears that the Respondent no. 4 rejected the Petitioner's said application. This prompted the father of the Petitioner to make a representation dated 5th June 2026. In this representation, it is explained that at the time of the Petitioner's initial application, he was unaware of the said requirement of submitting only a registered leave and license agreement and immediately on becoming aware, the Petitioner had executed a fresh leave and license agreement dated 20th May 2026, duly registered (*Exhibit E to the present writ petition*) with the same licensor in respect of the very same flat, whose details are mentioned in the address of the Petitioner set out in the cause title to the present writ petition and which was the subject matter of the earlier leave and license agreement dated 3rd June 2025, albeit, for the period from 1st June 2026 till 31st December 2026. Besides these two leave and license agreements, other documents including *inter alia*, documents relating to gas connection granted to him, his passport, documents relating to his savings

bank account, etc. were also enclosed with this communication and Respondent no. 4 was requested to favourably reconsider the said application and not to cancel the admission of the Petitioner, solely on that ground.

8. Mr. Biradar has invited our attention to an ***order dated 21st May 2026***¹ which, he submits, involved an identical issue and wherein, this Court has granted interim protection to the student. He submits that in the present case also, this Court ought to consider and grant similar reliefs in favour of his client.
9. We have gone through the papers of the present writ petition and also considered the oral arguments advanced by the parties. *Prima facie*, the record reveals that the father of the Petitioner is residing at the said address mentioned in the cause title of the present writ petition at least since 2021. Moreover, whilst the leave and license agreement dated 3rd July 2025 does not appear to be registered, it is not in dispute that the subsequent leave and license agreement dated 20th May 2026 is duly registered. The address mentioned in both these agreement is the same. Additionally, even the other documents relating to gas connection granted to the father of the Petitioner, his passport, and documents relating to his savings bank account reflect his same Airoli – Navi Mumbai address. In such circumstances, *prima facie*, it appears that the Petitioner and his family have been residing at the said address, namely, H-67, ground floor, Sector-3, Airoli, Navi Mumbai - 400708.
10. Considering the above, *prima facie*, it appears that the Petitioner would satisfy the conditions prescribed by Respondent no. 4 for seeking admission into Respondent no. 6 school. We are of the opinion that in such circumstances, Respondent no. 4 ought not to have rejected the application

¹ Passed by the Kolhapur Bench of this Court in Charumitra Rajwardhan Kamble (minor) through Next Friend Father Rajwardhan Y Kamble vs. the State of Maharashtra & Ors. in Writ Petition No. 2089 of 2026

bearing no. 26TH002701 submitted by the father of the Petitioner solely on the ground of failure to submit a registered leave and license agreement as proof of their residence for seeking admission to Respondent no. 6 school.

11. The Petitioner is a 6-year-old child belonging to a Scheduled Caste reserved category. By the present writ petition, the Petitioner seeks enforcement of his fundamental right granted under Article 21A² forming part of Part III of the Constitution of India which guarantees free and compulsory education to every child between the ages of 6 years and 14 years, the statutory framework of which is implemented through the said Act.
12. This Court cannot be a silent spectator to the act of Respondent no. 4 to deny admission to the Petitioner in Respondent no. 6 school. Elementary education is his fundamental right and the State is obliged to ensure that the Petitioner is admitted to school and completes his elementary education.
13. The *order dated 21st May 2026* (supra) also squarely applies to the present case.
14. Accordingly, we pass the following interim order:
 - (a) The impugned rejection letters dated 28th May 2026 (*Exhibit G to the writ petition*) and 10th June 2026 (*Exhibit K to the writ petition*) are hereby stayed.
 - (b) Subject to further orders and the outcome of the present writ petition, Respondent nos. 4 and 5 shall forthwith process the application of the

² Inserted by the 86th Constitutional Amendment Act, 2002 and pursuant to which, elementary education was elevated from a Directive Principle to a Fundamental Right

Petitioner, namely, Application No. 26TH002701 for admission in the 1st standard in Respondent No. 6 school.

- (c) The Petitioner shall not claim any equities on the ground of having secured admission in the 1st standard in Respondent No. 6 school by virtue of this order.
- (d) Respondents shall file their reply to the present writ petition within a period of 4 weeks from this order. Rejoinder, if any, may be filed by the Petitioner, within a period of 2 weeks thereafter. The present writ petition shall be thereafter be taken up for hearing on 30th July 2026 at the admission stage itself.

(FARHAN P. DUBASH, J.)

(R.I. CHAGLA J.)

Jyoti Pawar

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PRAKASH
PAWAR

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by JYOTI
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Date: 2026.06.11
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