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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3144 OF 2025

Sneha Raviraj Suryanvanshi & Ors.

...Petitioners

Versus

State of Maharashtra, Thru the Secretary ...Respondents
School Education and Sports Department &
Ors.

Gayatri Singh, Senior Counsel, Shreya Mohapatra and Shraddha Halapnavar for the Petitioners.

Mr. Manish Upadhye for Respondent Nos.1 and 5.

Mr. Arvind G. Kothari for Respondent No.9.

Mr. R.D. Suryawanshi for Respondent No.10.

Ms. Priyam Amin i/b. N.N. Amin & Co. for the Respondent No.11.

Mr. Pratik Garde, i/b. Komal Punjabi for Respondent Nos.2 to 4 -
MCGM.

CORAM : R.I. CHAGLA AND
ADVAIT M. SETHNA, JJ.

DATE : 3RD FEBRUARY, 2026

ORDER :

1. By this Writ Petition, the Petitioners are seeking a direction to the Respondent Schools to grant admission to the Petitioners in the age appropriate class of their schools. Other prayer

is sought to ensure that the Respondent - schools comply with the timelines given under the RTE Act and Rules by processing the complaints / grievances of students expeditiously within the time frame that is set out in the Rules. There are other prayers with regard to implementation of the RTE Act and Rules thereof.

2. Ms. Gayatri Singh, the learned Senior Counsel appearing for the Petitioners has referred to the fact that the Petitioners were in the waiting list having applied under RTE Act and Rules for admission to the Respondent Schools. She has in particular referred to the correspondence dated 1st August, 2023 (Exhibit 'M' to the Petition), whereby the Respondent – State had confirmed that for the admissions during academic year 2023-24 under the RTE 25% admission process, the registration of the Petitioners online forms had been accepted and Petitioner Nos.1 to 3 were placed in the waiting list, whereas application of the Petitioner No.4 had been cancelled. Further, in the said communication the Respondent - State has stated that the Petitioners name being in the wait list does not mean that admission is definite. The online waiting list admission has not been decided.

3. Ms. Singh has referred to the decision of the Supreme Court in *Dinesh Biwaji Ashtikar v. State of Maharashtra & Ors*¹, wherein the Supreme Court has laid down guidelines with regard to implementation of the RTE Act and Rules. In paragraph 14.2 which is for processing applications, selection and admission and particularly in selection criteria, it is provided that the criteria employed for giving preference to one applicant over another and the process of drawing of lots shall be laid out in simple and clear terms, and it must be widely published. Further, under Clause 14.3 viz. After completion of admission process, there shall be a speaking order regarding outcome of the selection published. She has submitted that these guidelines laid down by the Supreme Court have not been followed by the Respondent – State in the present case. Further, there appears to be no decision taken by the Respondent – State on the Petitioner Nos.1 to 3 waiting list admission.

4. We find merit in the submissions of Ms. Singh particularly in light of the documents on record. It appears from the communication dated 1st August, 2023 (Exhibit ‘M’ to the Petition) that the Petitioner Nos.1 to 3 whose admission was placed on waiting

¹ Special Leave Petition (Civil) No.10105 of 2017 dated 13th January, 2026.

list under RTE 25% admission process, the decision in respect thereof has not been taken.

5. The learned Assistant Government Pleader shall take instructions from the Respondent State with regard to whether the decision has been taken on the Petitioner Nos.1 to 3 waiting list admission and whether the guidelines laid down by the Supreme Court in particular the selection criteria and after completion of admission process laid down in *Dinesh Biwaji Ashtikar (Supra)* have been complied with by the Respondent State. This shall be by way of an Affidavit which shall be filed by the next date.

6. At this stage, the learned Counsel for the MCGM has tendered Affidavit in Reply to the Writ Petition which is taken on record.

7. Writ Petition is accordingly stood over to 10th February, 2026.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA J.]