



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 3831 OF 2026
IN WP/13536/2025
WITH
WRIT PETITION NO. 13536 OF 2025**

SAISH MANOHAR PATEL THROUGH HER MOTHER AS LEGAL
GUARDIAN NILIMA MANOHAR PATEL

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

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Mr. Amit S. Savale, Advocate for Applicant
Mr. P. K. Lakhotiya, AGP for Respondent/State
Mr. C. B. Chaudhari, Advocate for Respondent No.2
Mr. Jeetendra P. Ranawat, Advocate for Respondent No.4

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**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, JJ.**

DATE : 07th MAY, 2026

PER COURT :

1. This application is filed by the minor Saish Manohar Patel through his mother as a legal guardian seeking directions to respondent No.3 to issue mark-sheet of applicant of 7th standard and promote him to 8th standard in case he clears 7th standard final examination.
2. Applicant along with his mother and father / respondent No.4 was residing at Navi Mumbai. His schooling from primary to 6th standard has taken place at Navi Mumbai in respondent No.2 School. Due to matrimonial disputes, parents of the applicant started residing separately with effect from 16/04/2025. Admittedly,

on account of matrimonial disputes mother of the applicant along with Saish shifted to her maternal home at Shahada and under the orders of this Court took admission of Saish in respondent No.3 School for 7th standard in the academic year 2025-26. It is the case of applicant that since father / respondent No.4 has instructed respondent No.2 School not to issue school leaving certificate / transfer certificate of Saish, respondent No.3 School is not ready to issue mark-sheet of Saish of 7th standard and not ready to promote him in 8th standard. Hence, the present application.

3. Learned advocate for respondent No.4 strenuously opposed the application stating that the matter be referred to mediation and wish of Saish be ascertained as to whether he wants to take education at Navi Mumbai or Shahada. He submits that taking education at Navi Mumbai is in the best interest of Saish. Respondent No.4 has deposited fees of 7th standard of Saish at respondent No.2 School. However, suddenly his mother has taken him along with her and shifted to her maternal home at Shahada. He further submits that he has already filed proceedings seeking custody of Saish.

4. Since the applicant has already completed his 7th standard at respondent No.3 School in the academic year 2025-26, if directions are not issued to respondent No.2 School to issue school leaving certificate / transfer certificate, the applicant would

lose one academic year and it would not be in the best interest of the applicant. In this view of the matter, we are inclined to allow the prayer of applicant at interim stage.

5. Hence, by way of interim relief, respondent No.2 School is directed to issue school leaving certificate / transfer certificate of Saish Manohar Patel to his mother Nilima Manohar Patel within a period of two weeks from today.

6. Applicant's mother shall approach respondent No.2 by way of application and on receipt of such application, school leaving certificate / transfer certificate of the applicant be issued to her.

7. Taking into consideration the fact that the matter arises out of matrimonial disputes, the same is referred to mediation. Learned advocate Mr. S. K. Kadam is requested to mediate in the matter. Parties shall take suitable date from learned Mediator and appear before him on the date convenient to him.

8. Learned Mediator is requested to submit the report within a period of eight weeks from the date of first appearance of the parties.

9. Needles to mention that the proceedings for custody of Saish shall be decided on its own merit, without being influenced by the present order.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)