

ITEM NO.79

COURT NO.1

SECTION IX

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).15746-15748/2009

(From the judgement and order dated 07/07/2009 in PIL No. 70/2009 & PIL No. 701/2009 & WP No. 1242/2009 of The HIGH COURT OF JUDICATURE AT BOMBAY)

NEW ERA SCHOOL & ANR.

Petitioner(s)

VERSUS

FORUM FOR FAIRNESS IN EDUCATION & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment, exemption from filing O.T. and prayer for interim relief and office report )

Date: 13/07/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE P. SATHASIVAM  
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Dr.A.M.Singhvi, Sr.Adv.  
Mr.Mukul Rohtagi, Sr.Adv.  
Mr. Shiv Kumar Suri, Adv.  
Mr.Manu Nair, Adv.

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Mr.Kirat Nagra, Adv.  
Mr.Kevil Setalvad, Adv.  
Mr.Jahangir Mistry, Adv.

For Respondent(s) Mr.F.S.Nariman, Sr.Adv.  
Mr.A.H.Desai, Sr.Adv.  
Mr.Shyam Diwan, Sr.Adv.  
Mr.Dattatray Vyas, Adv.  
Mr.Chirag M.Shroff, Adv.

UPON hearing counsel the Court made the following  
ORDER

Exemption from filing O.T. granted.

Issue notice. Learned counsel for the respective respondents appears and accepts notice.

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The petitioner has challenged the order passed by the Division Bench of the Bombay High Court. The petitioner is running a school by name New Era School, presently situated at 17, N.S.Patkar Marg. It appears that the petitioner wants to shift the school from the present building to another building situated at D.N.Road. A public interest litigation was filed by the respondent no.1 challenging shifting of this. The Division Bench of the Bombay High Court had directed that the order passed by the Deputy Director be considered by a competent or appellate authority. But we are told that there is no statutory appeal against the order passed by the Deputy Director. However, in view of the impugned order, we direct that the Director of Education, Bombay may consider the question of shifting at the earliest at least within a period of 10 days. In case the shifting is allowed from the present building to the new building, we make it clear that the students who have joined S.C.C. shall not be compelled to join the course of I.G.S.C. and if the new building is distant from the present building the students shall not be put to inconvenience and transport facility shall be given to the students by the school authorities at a concessional rate. The Director will take a decision after giving notice to the parties. The representatives of the petitioners and the respondents shall appear before the Director on Friday the 17 July, 2009 at 11.00 a.m. A copy of this order shall be given immediately to the Director by the concerned parties. The Director shall take an appropriate decision having regard to all relevant factors and

untrammelled by the observations made by the High Court.

(G.V.Ramana)  
Court Master

(Veera Verma)  
Court Master