IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7601 OF 2026

Manas Sandip Sathe,]
Through next fried :]
Father Sandip Baburao Sathe] **.. Petitioner**

Versus

1. State of Maharashtra,]
   Through the Chief Secretary of the State]

2. The Principal Secretary,]
   Law & Justice, Govt. of Maharashtra]

3. The Principal Secretary,]
   School Education Ministry,]
   Government of Maharashtra]

4. The Secretary,]
   Maharashtra State Commission for]
   Protection of Child Rights,]
   Government of Maharashtra]

5. Commissionerate of Education,]
   Government of Maharashtra]

6. Directorate of Education (Primary),]
   Government of Maharashtra]

7. Directorate of State Council of Educational]
   Research & Training, Govt. of Maharashtra]

8. Podar International School,]
   Wagholi, Pune] **.. Respondents**

Ms. Ahilya T. Nalawade, Advocate for the Petitioner.

Smt. Neha Bhide, Government Pleader, with Mr. Kedar B. Dighe, Additional Government Pleader and Smt. G.R. Raghuwanshi, Assistant Government Pleader for the Respondent-State of Maharashtra.

CORAM : RAVINDRA V. GHUGE, ACJ. & GAUTAM A. ANKHAD, J.

RESERVED ON : 22nd JUNE, 2026.

PRONOUNCED ON : 25th JUNE, 2026

JUDGMENT : { Per Gautam A. Ankhad, J. }

1. The Petitioner, a minor, has instituted the present Petition through his next friend and father, Sandip Baburao Sathe. The Petition seeks a direction to Respondent No.8-School to accept the Petitioner's Application for admission, subject to verification of his actual place of residence and thereafter grant him admission for the Academic Year 2026-27 under the provisions of the Right of Children to Free and Compulsory Education Act, 2009 ("the RTE Act").

2. The Petition states that since 6th August, 2025, the Petitioner and his parents have been residing in a flat taken on leave

and licence from the Petitioner's grandmother, Mrs. Kantabai Bhausaheb Jagdhane. The premises are Flat No.101, 1st floor, Survey No.56, Samarth Nagar, Aaple Ghar, Kharadi, Pune – 411014 and a copy of the Leave and Licence Agreement is annexed as Exhibit "A" to the Petition. The Petitioner contends that the said residence is situated at a distance of approximately 950 meters from Respondent No.8-School and satisfies the neighbourhood criteria for admission under the reserved quota contemplated by the RTE Act.

3. The Petitioner's online Application for admission, came to be rejected on 2nd May, 2026 on the ground that the proof of residence furnished along with the Application was not found to be valid. The Petitioner's case is that the rejection is founded upon an erroneous discrepancy in the address generated through Google Maps in the online Application. It is contended that the Petitioner's father submitted representations and preferred an Appeal explaining that the discrepancy was merely an auto-generated mapping error and requested the Authorities to undertake a physical verification of the Petitioner's residence. The Appeal was rejected by the Education Officer, Zilla Parishad, Pune, by an order dated 5th May, 2026. The

rejection order was affirmed by the Deputy Director of Education by order dated 22nd May, 2026. Aggrieved thereby, the Petitioner has invoked the Writ jurisdiction of this Court alleging violation of his fundamental right to education guaranteed under Article 21A of the Constitution of India.

4. The matter was heard at considerable length on 18th and 19th June, 2026. In view of the controversy regarding the Petitioner's actual place of residence, we directed Mr. Kedar Dighe, the learned AGP, to have the address mentioned in the Petitioner's admission application form physically verified by the concerned Authorities. Simultaneously, Ms. Ahilya Nalawade, the learned counsel appearing for the Petitioner was directed to ensure that the Petitioner's father remained present at the said address mentioned in the admission form and produce all documents evidencing the Petitioner's residence at the said address, to resolve this controversy.

5. Pursuant to the aforesaid directions, Mr. Dighe, submits that officers of the Education Department visited the address mentioned in the admission form on 19th and 20th June, 2026. He has tendered the report of the Deputy Director of

Education dated 19th June, 2026 and the compilation dated 20th June, 2026, which are taken on record and marked as **Exhibits** "**X-1**" and "**X-2**" for identification. The learned AGP has also tendered copies of the Aadhaar Cards of the Petitioner and his father, along with the Voter Identity Card of the Petitioner's father. These documents are taken on record and marked as **Exhibit "X-3" Collectively** for identification. Based on the above documents, photographs and identity cards, the learned AGP submits that the address mentioned in the admission form is not a residence. It was found to have only one bed/cot on the 1st floor with a small eating house on the ground floor. It is urged that the addresses reflected in the Petitioner's father's Voter Identity Card, and the address furnished in the admission form are different. Thus, the Authorities were justified in concluding that the address mentioned in the admission form could not be accepted as satisfactory proof of the Petitioner's residence.

6. We have considered the documents placed on record and have also interacted with the Petitioner's father, who is present in Court. The inspection reports and the photographs placed *prima facie* indicates that premises could not be found to be the

Petitioner's residence. The inspection by State officials revealed only one bed / cot on the first floor, while the ground floor was being used by the Petitioner's mother to run a small eating establishment. No material indicating that the Petitioner and his family ordinarily reside at the said premises was found during the inspection.

7. We accept Mr. Dighe’s contention that it is not possible to accept that a family of three members can reside in such premises with only one bed/cot. There is no independent evidence establishing actual residence at the claimed address. No electricity bills, water bills, gas connection, bank correspondence, ration card or any other contemporaneous documents have been produced to substantiate continuous residence. The burden of establishing residential eligibility squarely rests upon the Petitioner. Mere assertions regarding errors in the auto-generated Google address cannot substitute proof of actual residence.

8. We also find that there is inconsistency in the addresses produced by the Petitioner’s parents. For illustration, the different addresses appearing in the documents relied upon by the Petitioner are tabulated below:

Sr. No.	Document	Address
1	Application/Admission Form (Page 59)	*Lane No.1, Samarth Nagar, Grant Road, District: Pune, Taluka: Hadapsar, Village: Kharadi.*
2	Leave and Licence Agreement (Page 18)	*Apartment/Flat No. 101, Built-up:250 Square Feet, situated on the 1 Floor of a Building known as '-' standing on plot of land bearing Survey Number: 56, Road: Samarth Nagar, Aaple Ghar, Location: Kharadi 411014, of Village:Kharadi, Pune*
3	Aadhaar Card of the Petitioner's father and the Petitioner (Exhibit X-3)	*Flat No.204, Vighnaharta Palace, Survey No.143A/2/1, Ghawate Wasti, Godbole Wasti Road, Manjari Budruk, Pune – 412307.*
4	Voter Identity Card of the Petitioner's father (Exhibit X-3)	*Pet Fote Galli, Amarapur, Taluka Shevgaon, District Ahmednagar – 414505.*

9. The above documents reveal the discrepancy. In these circumstances, we are satisfied that the Authorities did not commit any error in rejecting the Petitioner's Application for want of satisfactory proof of residence. The submission of the learned counsel for the Petitioner that the discrepancies are merely technical cannot be accepted. The residential requirement is not an empty

formality, but constitutes an essential eligibility condition governing admission under the reserved quota. Diluting or overlooking such requirement in the absence of satisfactory proof would not only defeat the object of the statutory scheme, but may result in denying admission to another needy child who genuinely satisfies the ‘neighbourhood’ conditions.

10. **The Petition is devoid of merit and is, therefore, dismissed.** There shall be no order as to costs.

[GAUTAM A. ANKHAD, J.] **[ACTING CHIEF JUSTICE]**

SNEHA ABHAY DIXIT
Digitally signed by SNEHA ABHAY DIXIT
Date: 2026.06.25 15:52:22 +0530