

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

**WRIT PETITION NO. 5118 OF 2017**  
**(Sunil s/o Changdeo Gande Vs. Union of India and others)**

**WITH**  
**WRIT PETITION NO.5119 OF 2017**  
**(Maharashtra English School Trustees Association through  
its President Vs. Union of India and others)**

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Mr. D.B.Pokale, Advocate for the Petitioners in both writ petitions

Mr. S.B.Deshpande, A.S.G.I. for respondent Nos.1 and 3  
Mr. S.B.Yawalkar, A.G.P. for respondent No.2 in both the petitions

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**CORAM : S.V. GANGAPURWALA AND  
SANGITRAO S. PATIL, JJ.**

**DATE : 18<sup>th</sup> APRIL, 2017**

**PER COURT :**

Heard.

2. Mr. Pokale, the learned counsel for the petitioners in both the petitions states that the Circular dated 14<sup>th</sup> February, 2017, be stayed. The said Circular directs all the Heads of the schools affiliated to the CBSE to use NCERT text books only. The said Circular infringes the fundamental rights of the petitioners. According to the learned counsel, the respondents cannot insist the petitioners, parents and the students to purchase NCERT books only. The learned

counsel further submits that the subsequent letter dated 06<sup>th</sup> April, 2017 also is erroneous.

3. We have heard the learned A.S.G.I. for respondent Nos.1 and 3 and the learned A.G.P. for respondent No.2.

4. The Circular dated 14<sup>th</sup> February, 2017 does not lay down a mandate that NCERT text books only should be referred or used, nor does it place any compulsion on the parents to purchase those books only. The letter dated 6<sup>th</sup> April, 2017 is addressed by the CBSE to all the Principals/Heads of the Institutions, all the CBSE affiliated Schools under the jurisdiction of CBSE, R.O., Chennai. The said letter only lays down that the parents should not be coerced to buy the text books of private publisher/additional text books by the School Authorities and the schools must mandatorily use the NCERT text books in their schools. According to the learned counsel, the students, by the said Circular, are being prohibited from using text books of private publisher, which are more updated.

5. The Circular dated 14<sup>th</sup> February, 2017 even

remotely does not suggest that the students and parents cannot use private text books for references. It only states that the parents should not be coerced i.e. should not be forced to buy text books of private publisher. If the parents and students so desire, they are liberty to purchase the private text books for their references. The said Circular does not prohibit them from doing so as per their choice.

6. At the request of learned counsel for the respondents, stand over to 2<sup>nd</sup> May, 2017.

**[SANGITRAO S. PATIL]**  
**JUDGE**

**[S.V. GANGAPURWALA]**  
**JUDGE**

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