

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

WRIT PETITION NO.1860 OF 2009

Unaided Schools Forum & Ors.

..Petitioners.

v/s.

Chief Election Commission & Ors.

..Respondents.

Mr.Mihir Desai for petitioners.

Mr.Pradeep Rajgopal for Respondent No.1.

Ms. Geeta Shastri, AGP for Respondent Nos. 3 and 4.

Mr.A.G.Kothari for Respondent Nos. 6 to 8.

**CORAM:- SWATANTER KUMAR,CJ. AND
A.M.KHANWILKAR, J**

DATED :- SEPTEMBER 30, 2009.

P.C.

1. It is contended that Petitioner is unaided private institution and provisions of Section 26 are not applicable. Therefore, the staff of such school cannot be summoned for election duty.

2. Rule.

3. Operation of the impugned order is stayed till final disposal of the Writ Petition.

4. Liberty to file reply within 8 weeks from today. Rejoinder within four weeks thereafter. To be listed alongwith Writ Petition No.1841 of 2009. Liberty to mention for early hearing of the matter.

CHIEF JUSTICE

A.M.KHANWILKAR, J