

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

WRIT PETITION NO. 10028 OF 2016

Shirpur Education Society R.C. Patel
College of Education through its
Principal D. A. Suryawanshi .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri P. M. Shah, Senior Advocate i/by Shri D. S. Bagul, Advocate
for the Petitioner.

Shri C. S. Kulkarni, A.G.P. for Respondent Nos. 1 to 5.

**CORAM : S. V. GANGAPURWALA AND
S. M. GAVHANE, JJ.**

DATE : 29TH NOVEMBER, 2017.

FINAL ORDER :

. The petitioner assails the order passed by the Shikshan Shulk Samiti, Mumbai prescribing the fees to be charged from the students of B. Ed. course.

2. The petitioner runs B. Ed. course. Initially the said course was for one year and the intake capacity of the students was 200. In the year 2015-2016 the intake capacity has been reduced to 100 students and the course is extended to two years. It is the contention of the petitioner that, for the year 2014-2015 the tuition fees fixed per student for the B. Ed. course was Rs.

58,829/- and while determining the fees for the year 2015-2016, the same is determined to Rs. 29,415/- per student.

3. Mr. Shah, the learned senior advocate submits that, for the year 2014-2015 the fees determined was much higher than the fees that is determined for the academic year 2015-2016. The same does not stand to any reason. The fees has to be determined per year per student, as the expenses are considered for a singular year.

4. The learned Assistant Government Pleader states that, the reasons are given in the order determining the fees of Rs. 29,415/- per student per year.

5. During the course of the argument, it transpired that the Shikshan Shulk Samiti considered the intake capacity of the petitioner institution for the B. Ed. course as 200 students per year. We had asked the learned A. G. P. as to what was intake capacity considered while determining tuition fees for the B. Ed. course. The learned A. G. P. on instructions submits that, the Shikshan Shulka Samiti considered intake capacity as 200 students.

6. We had adjourned the matter so as to enable the parties to place on record the order determining the intake capacity. Mr.

Shah, the learned senior advocate has placed on record the copy of the order dated 17.01.2017 to the effect that, revised recommendation order is issued for two basic units of total 100 students to the institution on 31.05.2015, meaning thereby that from the year 2015-2016 the intake capacity would be total 100 students.

7. The Shikshan Shulka Samiti admittedly has calculated tuition fees considering intake capacity of 200 students. The same would not stand to any reason, nor the said order can be sustained.

8. Considering the above, the impugned order is quashed and set aside. The Shikshan Shulka Samiti shall reconsider the fees structure to be charged by the petitioner per student per year for the academic year 2015-2016, considering the intake capacity as 100 students. The same shall be done expeditiously and preferably within a period of three (3) months from today. The petitioner may represent itself before the Shikshan Shulka Samiti. The writ petition accordingly is disposed of. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]