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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4649 OF 2017

Ashoka Universal School & Anr ... Petitioners
Versus
The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO. 6375 OF 2017

Nashik Cambridge School & Anr. ... Petitioners
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. R.S. Apte, Senior Advocate, with A.A. Garge, Adv. for the
Petitioners in WP No. 4649 of 2017.
Mr. Gurudev S. Gorwadkar, Adv. for the Petitioners in WP No.
6375 of 2017.
Mr. V.N. Sagare, for Respondents Nos. 1 and 2 in the both
Writ Petitions.

**CORAM: B.R. GAVAI AND
RIYAZ I. CHAGLA, JJ.**
DATED: 3rd August 2017

PC:-

1. Despite duly served, none appears for the Respondent
No.3. Mr. Sagare, learned AGP on behalf of the Respondents
waives service.

2. Rule. Rule made returnable forthwith. Heard by consent.

3. The Petitioners have challenged the order passed by the Respondent No.2 Committee thereby allowing Respondent No.3 to file application and the other Appeals challenging the fixing of fees by the Petitioner – School.

4. From the perusal of the impugned order, it would reveal that though a specific issue of jurisdiction was raised by the Petitioners before the learned Tribunal, the same has been rejected.

5. The ratio is no more *res integra*. This Court vide judgment and order in Writ Petition No. 7594 of 2017 and Writ Petition (L) No. 471 of 2017 decided on 18th July 2017, upon perusal of the scheme of the Maharashtra Educational Institutes (Regulation of Fees) Act, has held that the individual parents cannot directly approach the Divisional Fee Regulatory Committee (DFRC).

6. In that view of the matter, both the Petitions deserve to be allowed.

7. The impugned order dated 3rd April 2017 is quashed and set aside. Rule is made absolute.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI J.)