

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

WRIT PETITION NO. 8229 OF 2018

ANADIT SURESH KHARDE THROUGH GUARDIAN SURESH VINAYAK
KHARDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. P.A. Bhosale, Advocate for the petitioner
Mr. C.S. Kulkarni, AGP for the respondent/State

**CORAM : PRASANNA B. VARALE
& S.M.GAVHANE, JJ.
DATED : 24.07.2018**

P.C. :-

Heard Mr. P.A. Bhosale, learned counsel appearing for the petitioner and Mr.C.S. Kulkarni, learned AGP appearing for the respondent/State.

2. Considering the contents of the petition and prayer clauses as well as document placed on record, we are of the opinion that the petition can be disposed of at the admission stage itself.

3. The learned counsel Mr. Bhosale invited our attention to the documents placed on record. Perusal of the documents show that the petitioner Anadit Suresh Kharde who is a minor student being represented through his legal guardian Suresh Vinayak Kharde was admitted in Pravara Public School, Pravaranagar. The document placed on record at Exh."B" shows that the said school authorities informed the petitioner Suresh Kharde about the academic fees due and payable against various expenses of the son of the petitioner.

4. On receiving this bill dated 23.10.2015, the petitioner approached the authorities namely, the Secretary, Department of School Education and Literacy, Ministry of Human Resources Development, New Delhi, the Education Secretary, School Education and Sports Department Government of Maharashtra Mantralaya, Mumbai and The Chief Executive Officer Ahmednagar Zilla Parishad, Ahmednagar. The subject stated in the representation reads thus:-

"Regarding illegalities and irregularities in fees, Interest from the school going children committed by the Pravara Public School, Pravaranagar, Tal. Rahata Dist-Ahmednagar. (M.S.).413712 run by Pravara Rural Educational Society's Pravaranagar At-Post-Loni Tal-Rahata Dist-Ahmednagar. 413713, (M.S.)."

5. The petitioner submitted in the representation that various applications were submitted by the petitioner by approaching to the authorities under Right to Education Act. Then there are allegations levelled by the petitioner against the management of the school. Then it is stated that certain education authorities are acting with hand in gloves in the management of Pravara Public School, Pravaranagar and though the school receives grants from the State Government. These grants are not utilised for the purposes to which the grants are admitted. By reading the complete representation, we are unable to see any particular grievance made by the petitioner. In respect of the bill issued by the

institute to the petitioner on 23.10.2015, the allegations are general in nature. Then interestingly enough the petitioner submitted a representation to the Hon'ble Prime Minister of India with a request for effective implementation of Right to Education Act in the school namely Pravara Public School, Pravaranagar and again interestingly enough in this representation, the petitioner is making grievance about the fees bill issued to the petitioner. It seems that the note of the representation was taken by the office of the Hon'ble Prime Minister and by communication dated 12.02.2018, the Chief Secretary of Government of Maharashtra was apprised about the representations submitted by the petitioner and the copy of the representation was also forwarded to the Chief Secretary. Then there is a document placed on record at Exh."D". It shows that on 02.05.2017, the Education Officer (Primary) informed the Block Education Officer about the grievance raised by the petitioner by way of his representation/complaint. Then the Education Officer (Primary) informed the Block Education Officer to take necessary steps under the provisions of Right to Education Act and submitted a report of the compliance. The Education Officer (Primary) also informed that the exercise be undertaken expeditiously. The other document placed on record at Exh."F" show that the Education Officer (Secondary) informed the Block Education Officer that a representation is received about the irregularities in fees of the students and then the Block Education Officer is further informed that, they appointed an enquiry officer in the matter and is directed to submit his enquiry report at the earliest.

6. The learned counsel for the petitioner submit that though this communication was forwarded to the Block Education Officer 05.02.2018, no enquiry was conducted by he Block Education Officer and the authorities are not taking steps expeditiously. Though the learned counsel vehemently submitted that the authorities are seating idle inspite of the representation made to various authorities as stated above the last communication is 05.02.2018, and by the said communication the Education Officer (Secondary) informed the Block Education Officer appointed an Enquiry Officer to him and submit his report expeditiously. There is nothing placed on record to show that subsequent to this communication the petitioner had approached any authority superior to the Education Officer (Secondary) Zilla Parishad, Ahmednagar apprising that the report is still awaited. In such a situation, we are unable to accept that the authorities are sitting ideal in the matter. Though it is submitted before us that the petitioner had made representation to the authorities, subsequent to communication dated 05.02.2018 nothing of that sought is placed on record. Though the learned counsel prays for direction to respondent No.4 to conduct the enquiry forthwith and submit the report in compliance of communication dated 05.02.2018, we are unable to accept the submission and now we are of the opinion that the only directions need to be issued to respondent No.4 to expedite, the enquiry and submit his report in compliance of communication 05.02.2018 as expeditiously as possible.

7. The petition is disposed of with this direction to conclude the enquiry and submit report, if the enquiry is not concluded till date and the report is not submitted to the competent authority.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]