

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

7 WRIT PETITION NO.3896 OF 2016

SHAIKH IMRAN SHAIKH USMAN
VERSUS
STEPPING STONES HIGH SCHOOL THROUGH ITS HEAD MASTER AND
OTHERS

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Advocate for Petitioner : Mr. Dixit Sushant V.
AGP for Respondents State: Mr. S. K. Tambe
Advocate for Respondents : Mr. R. N. Dhorde, Senior
Advocate i/by Mr. B.R. Kawre
Advocate for Intervener : Mr. A. N. Kakade

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 14th February, 2019

PER COURT :

1. We have heard Mr. Dixit, learned Advocate for the petitioner, Mr. Dhorde, learned Senior Advocate for Respondent No.1 Institution and learned A.G.P. for the State.

2. According to the petitioner, his son is taking education with respondent No.1 Institution. Petitioner complained about various irregularities on the part of respondent school such as non formation of Parent-Teachers Association so also fees structure is not in consonance with provisions

of Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, 1987 and Government Resolution dated 24.08.2010. The petitioner also seeks reduction of fees so also complained about non constitution of school transport committee as per provisions of Maharashtra Motor Vehicles (Regulation for School Bus) Rules, 2011. The petitioner prays for taking action against the respondent No.1 school for violation of the provisions of the Maharashtra Educational Institutions (Regulation of Fee) Act, Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, 1987, Maharashtra Motor Vehicles (Regulation for School Bus) Rules, 2011 so also the Government Resolutions dated 15.07.2010 and 24.08.2010.

3. There are words against words. The petitioner has made averments in the writ petition and the same have been replied by the respondents by filing reply/affidavit, stating that the committees are formed and the fee is charged as per

the fees fixed by the Parents-Teachers Association. According to the respondents, even wife of the petitioner has signed as parents acknowledging the fees structure that has been fixed. According to the petitioner, signature of his wife was obtained at the time of induction. It would not be possible for this Court to investigate into the disputed question of facts as there are words against words and it is not a case of admitted facts.

4. The provisions of statute as described above prescribe for formation of various committees in accordance with the procedure laid down under the Act. The respondents have filed affidavit stating about compliance .

5. The Deputy Director of Education is a supervisory authority and would be in better position to consider the record and arrive at conclusion. In case any grievance is made before the Deputy Director of Education, the respondent No.2, Deputy Director of Education shall conduct

necessary enquiry with regard to the grievance and take steps in accordance with the Acts and Rules as referred supra.

6. It is submitted by Mr. Dixit that the son of the petitioner has left the school, however his Transfer Certificate is not given. Mr. Dhorde, the learned Senior Advocate, on instructions, submits that if the petitioner requires the T.C., the petitioner may come and collect the T.C. on making application.

7. If the petitioner has any grievance with regard to charging of capitation fee, the provisions of the Act prescribes for filing of complaint which is the party can avail of.

8. With the aforesaid observation, the writ petition is disposed of. No costs.

(A. M. DHAVAL, J.)

(S. V. GANGAPURWALA, J.)

JPC