

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

WRIT PETITION NO.11075 OF 2016

Indian Education Society and another

..Petitioners

Versus

Thane Zilla Parishad and another

..Respondents

Mr. A. G. Kothari I/by Ms. Nandini G. Menon, Advocate for the
Petitioners.

Ms. Nisha Mehra, AGP for the Respondent Nos.1a & 1b.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**

DATE : 3rd JULY, 2019

P.C.

1] Heard learned counsel for the parties. The grievance is to
the communication dated 05.07.2016 issued by the Education Officer
(Secondary) Zilla Parishad, Thane to the Petitioner informing as
under :-

“In relation to the aforesaid Complaint, you are put on
notice that you are required to cancel the fee increase and
follow the procedure under the Fee Regulation Act (FRA
2014). Please take notice that the entire responsibility of
any future court litigation shall be upon you.”

2] The first contention advanced is that the Education
Officer (Secondary) is not the competent authority to receive any
complaint concerning increase in fee. Taking argument forward it is

urged that a Fee Regulatory Committee has been constituted and only if a complaint is made by parents or teachers of a school can the committee look into the issue of increase in fee. Meaning thereby, third parties have no right to make a complaint on the subject of fee. The last submission is that in response to the notice issued to the Petitioner on the complaint lodged by a politician, with material responsible was that the procedure prescribed to enhance fee was followed. At a parents teacher meeting enhancement of the fee was placed before the house and approved.

3] Suffice it to state the impugned order does not record any fact but reaches the conclusion that the procedure to enhance the fee was not followed. The decision being sans any reasons warrants to be quashed and accordingly we quash the communication dated 05.07.2016.

4] We do not permit the Education Officer to re-decide the issue for the reason the right to question the enhancement of the fee is vested either in the parents of the wards admitted in the school or the teachers of the school.

5] The Petition is disposed of. No costs.

N. M. JAMDAR, J

CHIEF JUSTICE