

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION NO. 703 OF 2003

Hindi Vidya Bhavan Society and Anr. ... Petitioners.

V/s.

The State of Maharashtra and Ors. ... Respondents.

Mr. Ashish Kamat a/w. Vishesh Malviya and Janaki Garde I/b. M/s.
Rashmikant and Partners for the Petitioners.

Mr. Kedar Dighe, AGP for the State - Respondents 1 to 3.

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

DATE : 24 JULY 2019.

P.C. :-

Heard learned Counsel for the parties.

2. A petty sum of ₹ 13,29,375/- collected from the parents whose wards were students of the school which has been established by the 1st Petitioner is in issue.

3. The recommendations of the Vth Central Pay Commission were made applicable, as is known to one and all, with

effect from 1 January 1996, but as regards employees of private recognized schools, the recommendations were made applicable with effect from 1 May 1999 when this Court pronounced a Judgment on 17 November 2000 in Writ Petition No. 767 of 2000 (*Sunanda w/o. Pandharinath Adhav and Ors. V/s. State of Maharashtra & Ors.*)¹. The private recognized schools had to raise necessary finances which obviously meant burdening the parents whose wards were studying in the school established by the 1st Petitioner.

4. On 22 July 1999 the State of Maharashtra had issued a Government Resolution laying down the criteria on basis whereof enhancement had to be determined which Government Resolution was expanded when Government Resolution dated 27 January 2000 was issued because the earlier Government Resolution had failed to note that computer education was also implemented in the schools; requiring additional capital expenditure to be incurred besides the expenditure on salaries to be paid to teachers imparting education in computer.

5. The liability on the 1st Petitioner has been fastened as per the decision dated 5 October 2001 and a perusal of the same shows that the parameters required to be kept in mind as per Government Resolution dated 27 January 2000 have not been kept in view.

1 Bom.C.R. 809

6. While quashing the directions issued to refund ₹ 13,29,375/- to the parents from whom allegedly excess payment was received, on account of the order not taking into account the parameters vide Government Resolution dated 27 January 2000, we do not permit the exercise to be re-conducted for the reason the amount is petty and secondly, deciding the Writ Petition in the year 2019 it would serve no purpose because the parents of the wards whose children were studying in the school in the year 2000 would probably be untraceable as of today.

7. The Petition is disposed of quashing the directions issued vide order dated 5 October 2001 to the Petitioner No.1 to refund ₹ 13,29,375/- to the parents of the wards from whom allegedly excess fees was recovered.

N.M. JAMDAR, J.

CHIEF JUSTICE