

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

WRIT PETITION NO. 7261 OF 2021

Samiksha Shailesh Kulkarni
and another

.. Petitioners

Versus

Jain International School
Through its Principal and others

.. Respondents

Mr. Chaitanya C. Deshpande, Advocate for the Petitioners.
Mr. Arjun Bobde, Advocate for Respondent Nos. 1 and 2.
Mr. P. K. Lakhotiya, AGP for Respondent No. 3.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 16th JULY, 2021.

PER COURT:-

. We have heard Mr. Deshpande, learned counsel for the petitioners and Mr. Bobde, learned counsel for respondent Nos. 1 and 2.

2. The learned A.G.P. appears for respondent No. 3.

3. The petitioners had earlier filed a Writ Petition No. 7977 of 2020. We have disposed of the said writ petition with observations that the petitioners have remedy available under the Maharashtra Educational Institutions (Regulation of Fee) Act, 2011 (hereinafter referred as 'Act

of 2011'). The dispute appears to be about the fees charged by the respondents.

4. Mr. Deshpande, learned counsel for the petitioners submits that the petitioners had approached the committee constituted under the Act of 2011, but the committee is not functioning as on date, as such, filed the present writ petition.

5. We have heard Mr. Deshpande, learned counsel for the petitioners and Mr. Bobde, learned counsel for respondent Nos. 1 and 2.

6. In the writ jurisdiction, we are not inclined to determine the dispute with regard to fees, more particularly, when the forum is provided under the Act of 2011. We are also not entering into the rigmarole of other issues raised in the present writ petition.

7. With a view to arrive at a workable solution, we had asked Mr. Deshpande, learned counsel for the petitioners and Mr. Bobde, learned counsel for the respondent Nos. 1 and 2 to arrive at a consensus with regard to the amount to be paid without prejudice to the rights and contentions of either of the parties and subject to the decision of the committee constituted under the Act of 2011.

8. Mr. Bobde, learned counsel submits that the students from 1st to 8th standard may pay Rs. 38,000/- (Rupees Thirty Eight Thousand only) and students from 9th and 10th standard shall pay Rs. 42,000/- (Rupees Forty Two Thousand only).

9. Mr. Deshpande, learned counsel submits that due to Covid-19 pandemic many of the parents have lost their jobs and are facing financial crisis. The learned counsel further submits that, immediately Rs. 10,000/- would be paid by the parents of the students.

10. After hearing learned counsel for the parties, we pass the following order.

11. The parents of the students from 1st to 8th standard shall pay Rs. 35,000/- (Rupees Thirty Five Thousand only). From the amount of Rs. 35,000/- (Rupees Thirty Five Thousand only), they shall pay an amount of Rs. 15,000/- (Rupees Fifteen Thousand only) instantly. After payment of the amount of Rs. 15,000/- (Rupees Fifteen Thousand only) the respondents shall provide the link to the students. The remaining amount shall be paid within a period of six (06) weeks from today.

12. The parents of the students of 9th and 10th standard shall pay Rs. 38,000/- (Rupees Thirty Eight Thousand only) within a period of six (06) weeks from today. On payment of Rs. 15,000/- (Rupees Fifteen

Thousand only) the link shall be provided to the students of 9th and 10th standard by the respondent school. The remaining amount shall be paid within a period of six (06) weeks.

13. The aforesaid arrangement is without prejudice to the rights and contentions of either of the parties and the same would be subject to the final decision that would be taken by the committee constituted under the Act of 2011. The petitioners have already approached the committee in that regard.

14. Writ petition accordingly is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.