

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.12844 OF 2021**

Nilesh Anand Soni

..Applicant

Versus

The State of Maharashtra and Others

..Respondents

...

Mr. G. K. Naik Thigle, Advocate for the Applicant.

Mr. P. S. Patil, AGP for Respondents-State.

Mr. S. V. Adwant, Advocate for Respondent Nos.1 and 2.

Mr. S. B. Deshpande, Advocate for Respondent No.6.

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

DATED : 04th DECEMBER, 2021.

PER COURT:-

1. The petitioner seeks release of the documents under the present Civil Application.

2. The contention is that, the admission of the petitioner is canceled by the respondents and as such, the petitioner has to take admission in other school. The original documents are withheld.

3. According to Mr. Adwant, learned counsel for respondent-school more than Rs.3,50,000/- are outstanding against the petitioner. The same are not paid. Many reminders were given to the petitioner. Eventually, respondents did not have any option but to cancel the admission.

4. The payment of fees is subject matter. However, there cannot be pledge of documents. We do not find any rule or any condition in any regulation governing the parties that the Institution can withhold the documents for non-payment of fees. Of course, it is also the duty of the ward and their parents to pay the legitimate fees of the school.

5. In the present case, at present we are not require to decide the dispute with regard to the fees. The only consideration is about the return of the documents.

6. Considering the fact that, educational career of the student may not be in jeopardy, we direct the respondent-school to return the original documents submitted by the petitioner at the time of admission immediately.

7. Naturally, the Transfer Certificate and the marksheet of the last examination given by the petitioner be also given alongwith the endorsement that may be made by the Institution.

8. The question as to the liability of the petitioner to pay the fees can be decided at the time of writ petition. We have passed this order because petitioner's admission is canceled and he has left the school.

9. Civil Application is disposed of.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE