

Pdp

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

PUBLIC INTEREST LITIGATION NO. 39 OF 2021

Shri Pratapsing Ganpatsing Chopadar .. Petitioner

Versus

The Chairman,
Maharashtra State Board of Secondary &
Higher Secondary Education, Pune &
Anr. .. Respondents

**WITH
INTERIM APPLICATION STAMP NO. 14135 OF 2021
IN
PUBLIC INTEREST LITIGATION NO. 39 OF 2021**

Shri Vinayak Pandurang Ganmote .. Applicant

In the matter between:

Shri Pratapsing Ganpatsing Chopadar .. Petitioner

Versus

The Chairman,
Maharashtra State Board of Secondary &
Higher Secondary Education, Pune &
Anr. .. Respondents

Mr. Manoj Shirsat i/by Padmanabh D. Pise for petitioner.
Mr. Ashok B. Tajane for applicant in IAST/14135/2021.
Mr. Kiran Gandhi i/by Little & Company for respondent No.1.
Mr. P. P. Kakade, Government Pleader a/w Mr. B. V. Samant,
AGP for State.

**CORAM : DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE : JULY 29, 2021

PC:

1. The petitioner is a retired Principal of an English medium school. The concern expressed by him in this Public Interest Litigation is that the Maharashtra State Board of Secondary & Higher Secondary Education has collected examination fees from students aspiring to take the Secondary School Certificate examination (Class X) and the Higher Secondary examination (Class XII) but has not refunded such examination fees to such students despite the SCC and HSC examinations having been cancelled. According to the petitioner, he has no personal interest in the matter; however, initiation of the proceedings in public interest is intended to benefit the poor parents of those aspiring students for whom even affording the paltry examination fees of Rs.420/- for the SSC examination and Rs.520/- for the HSC examination might have been an ordeal.

2. We find that the petitioner has addressed a representation dated June 22, 2021 to the Chairman of the Board, respondent no.1. Such representation has not been considered.

3. On record is an Interim Application filed by the parent of a student, who seeks intervention on the ground that because of his poor financial condition, the Board may be directed to

refund the fees collected in respect of his ward who aspired to take the HSC examination which, ultimately, was not held.

4. In our considered view, no useful purpose will be served in keeping this Public Interest Litigation pending. Interest of justice would be sufficiently served if the Chairman of the Board, respondent no.1, proceeds to consider the representation of the petitioner dated June 22, 2021 upon granting him an opportunity of hearing. In the event the prayer of the petitioner for refund of fees cannot be accepted, the Chairman of the Board shall pass a reasoned order and communicate the same to the petitioner. If, indeed, the concern appears to the Chairman to be of substance, we hope and trust that the Chairman shall pass an order for refund of either the entirety or part of the examination fees to the students.

5. Let this exercise be completed as early as possible but not later than four weeks from date of service of a copy of this order on the Chairman of the Board.

6. With the aforesaid directions, this this Public Interest Litigation along with the Interim Application stands disposed of. No costs.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)