

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.6301 OF 2022
IN WP/14485/2021

THE PRINCIPAL CAMBRIDGE SCHOOL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...
Advocate for Applicant : Mr. R. N. Dhorde, Senior Advocate i/b.
Mr. Vikram R Dhorde
AGP for Respondents No.1 and 2 – State : Mr. S. G. Karlekar
Mr. Amit A. Mukhedkar, Petitioner - Party-in-person in WP
Advocate for Respondent No.6 (in WP) : Mr. P. R. Nangare
Advocate for Respondents No.4 and 7 (in WP) : Mr. S. S. Deve
...

CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.

DATE : 22-04-2022

PER COURT :-

By the present civil application, applicant, original respondent no. 3 in Writ petition, seeks modification of order dated 21.03.2022 passed by this Court in writ petition no. 14485 of 2021 to the extent of paragraphs no. 6 and 12 as contended in the application and for the purpose issue necessary orders.

2. Mr. Dhorde, learned senior counsel for applicant-original respondent no. 3 has invited out attention to the said order more particularly paragraph no. 6 and 12, reading thus;

"6. Respondent No.3 is permitted to accept the amount that would be paid by the petitioners after deducting 15% of the amount of fees payable according to respondent No.3 as reflected in the chart at page No.175-M without prejudice to the rights and contentions of respondent No.3. It is made clear that this arrangement is suggested by this Court in view of the petitioners having agreed to seek the redressal of their grievance before the Committee.

.. . . .

12. Mr. Dhorde, learned Senior Counsel for respondent No.3, on instructions, states that respondent No.3 is a member of the said Association of Indian Schools and is thus protected by the ad-interim protection granted by this Court on 25.08.2021, which is continued from time to time and is in operation till date. Statement is accepted."

3. He submits that the applicant is not member of Association of Indian Schools but is a member of the Maharashtra English School Trustees Association (MESTA). He also invited our attention to the order dated 31.08.2021 passed in writ petition no. 9633 of 2021 which is filed by the said Maharashtra English School Trustees Association versus State of Maharashtra and another, and would submit that paragraph no. 12 of the order dated 21.03.2022 needs to be modified / clarified to the extent

that the applicant-respondent no. 3 is a member of Maharashtra English School Trustees Association and also membership receipt is issued in favour of the applicant school by the said Maharashtra English School Trustees Association.

4. In paragraph no. 12 of the said order, it is thus clarified that the petitioner is not the member of Association of Indian Schools but is a member of Maharashtra English School Trustees Association. Same modification is issued in the second line of paragraph no. 13 of the said order.

5. In so far as modification in paragraph no. 6 is concerned, we have perused the entire order passed by this court. By this order, this court has directed the petitioner to deposit certain amount in paragraph no. 7 and it is made clear that if the Committee is of the view that the petitioners are liable to pay any amount more than the amount that would be deposited by the petitioners without prejudice to the rights and contentions of both the parties, the petitioners shall abide by the decision that would be taken by the Committee. Similar direction is issued also in respect of the Management for refund if more amount is deposited by the petitioners.

6. In view of clarification already issued in paragraph no. 7 of aforesaid order dated 21.03.2022, no further modification is required.

7. It is expected that the Committee would consider the grievance of the petitioners, also would consider the issue whether the petitioners have made any excess payment to respondent no.3 Management or as to still pay any balance amount in accordance with law.

8. Civil application is disposed of in aforesaid terms. No order as to costs.

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE

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