

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

950 WRIT PETITION NO. 6379 OF 2021

VAIBHAV BHAUSAHEB BHORADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Ajinkya Reddy
AGP for Respondent Nos. 1 and 2 : Mrs. M.A. Deshpande
Advocate for Respondent No. 3 : Mr. A.D. Aghav.
Advocate for Respondent Nos. 4 and 5 : Mr. Abhay A. Anturkar,
Mr. Harshwardhan Suryawanshi
Mr. Vaibhav Kulkarni h/f
Ms. Priyanka R. Deshpande

...

**CORAM : RAVINDRA V. GHUGE AND
S. G. DIGE, JJ.**

DATE : 29th MARCH, 2022

PER COURT :-

1. This matter was heard for quite sometime.
2. We have perused the earlier orders passed by this Bench.
3. The learned Advocate representing an Educational Institution respondent No. 5 submits that as the petitioners had not been paying regular fees, that the school initiated the action of expulsion. Under orders of this Court, these petitioners have deposited the fees in this Court. The Educational Institution is a private institution, which charges fees and students who wish to take education from the said school, are supposed to pay the fees.
4. This Court has passed an order on 05-07-2021. Paragraph Nos. 4 and 5 of the order dated 05-07-2021 read thus:

“4. After considering the submissions of the learned counsel for the petitioners and the respondents, we direct each of the petitioner to deposit Rs.30,000/- by deducting

the amount that they have already deposited with respondent Nos. 4 and 5. To illustrate, petitioner No.1 has deposited Rs. 20,000/- with respondent Nos. 4 and 5. The petitioner No.1 shall deposit Rs.10,000/- in this Court. Amount of the short fall of Rs. 30,000/- shall be deposited by each petitioner within a period of four weeks. The said deposit is for the academic year 2020-2021.

5. As far as the fees for the academic year 2021-22 is concerned, the petitioners may deposit the same as per the schedule detailed by the institution and with the institution.”

5. The learned Advocate for the school Management submits that if the school is permitted to withdraw the said amount from this Court, they have no reason to expel the students on account of non payment of fees.

6. Having recorded the above statement, which is made on instructions, the 5th respondent – Institution is permitted to withdraw the amount deposited in this Court and shall be apportioned towards the outstanding fees for the academic year 2020-2021. In the event, there being a minor short fall in the payment of fees, the petitioners agree to pay the same. Therefore, the Management withdraws it's orders dated 12-04-2021 and 11-04-2021.

7. The learned Advocate for the School Management confirms that the wards of petitioner Nos. 1, 2, 3, 6 and 7 have continued in education and they have also paid the fees for the academic year 2021-2022 regularly.

8. Petitioner Nos. 2 and 6 have defaulted in payment of the last installment of fees for the academic year 2021-2022.

9. The learned Advocate for the petitioners submits that petitioner Nos. 2 and 6 would clear the outstanding fees for the academic year 2021-2022 within a period of four weeks from today. The said statement is accepted.

10. Insofar as the issue pertaining to the “other fees”, the learned Advocate for the school Management has drawn our attention to the resolution passed in the parents-teachers meeting held on 10-08-2020. He also draws our attention towards the Government Resolution dated 08-05-2020. Based on the resolution and the Government Resolution, he submits that the quantum of “other fees” has been reduced taking into account the aggregate of the tuition fees and other fees. The amount to be reduced from the “other fees” is 15% of the total aggregate of the fees. The, reduced quantum of other fees would be Rs.12,300/- per year from Rs.16,400/-.

11. In view of the above and since admissions to the extent of petitioner Nos. 1, 2, 3, 6 and 7 are in order and any short fall in the fees being agreed to be paid by the petitioners, we do not find that the petition needs to be kept pending for the purpose, which has been achieved.

12. In view of the above, this petition stands disposed off.

(S.G. DIGE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE