

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

2 WRIT PETITION NO.14485 OF 2021

AMIT ARUNKUMAR MUKHEDKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Adv. for Petitioners : Mr. A. A. Mukhedkar (Party In Person)

AGP for Respondents-State : Mr. S. G. Karlekar.

Advocate for Respondent No.3 : Mr. R. N. Dhorde (Senior
Counsel) i/b Mr. Dhorde Vikram R.

Advocate for Respondent Nos.4 & 7 : Mr. Deve S. S.

Advocate for Respondent No.6 : Mr. P. R. Nangare.

...

**CORAM : R. D. DHANUKA, AND
S. G. MEHARE, JJ.**

DATE : 21.03.2022

PER COURT :-

1. The matter was argued by petitioner No.1 on behalf of all the petitioners in person.

2. Learned counsel appearing for both the parties invited our attention to various orders passed by the Hon'ble Supreme Court as well as this Court and also to the chart annexed at page Nos.175 to 179 forming part of the affidavit-in-reply filed by respondent No.3.

3. Without prejudice to the rights and contentions of the petitioners, Mr. Amit Mukhedkar who appears in person for all the petitioners undertakes to pay the fees as mentioned by the School at page No.175-M of the affidavit-in-reply of respondent No.3 within a period of one (1) week from today without fail and states that the petitioner would seek redressal of their grievance before the Fee Fixation Regulatory Committee constituted under the Act by the State Government. Undertaking is accepted.

4. Learned AGP, on instructions, states that the Fee Fixation Regulatory Committee constituted under the Act of 2011 would start functioning shortly. We direct the State Government to constitute the said Fee Fixation Regulatory Committee, if not constituted so far and make it functional within a period of one (1) week from today without fail.

5. The Committee shall pass an appropriate order on the grievances that would be made by the petitioners after hearing the authorized representative of the petitioners as well as the Management within a period of six (6) weeks from the date of the first hearing. It is made clear that none of the parties will

seek any unnecessary adjournment before the said Fee Fixation Regulatory Committee.

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 grievances before the Committee.

7. 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.

8. Though respondent No.3 shall allow the petitioners to appear for the examination commencing from tomorrow, if the

amount as agreed to be deposited by the petitioners is not deposited within a period of one (1) week from today, the result of the defaulters shall not be declared by the respondent No.3. This order shall not be treated as a precedent.

9. Respondent No.3-School shall permit the petitioners to appear for the examination tomorrow subject to above conditions. If the amount as agreed to be deposited by the petitioners be deposited within a period of one (1) week from today, these students who are the petitioners in this petition shall be allowed to continue with their education during pendency of the decision that would be taken by the Committee and for a period of four (4) weeks thereafter, if any, adverse order is passed against the petitioners.

10. The parents of the students who are the petitioners in this petition shall maintain decorum in the School and shall not rake up any unnecessary issue with the Principal of the School as well as the Management.

11. As far as the tuition fees for the academic year 2021-2022 is concerned, the petitioners relied upon the order dated 25.08.2021 passed by the Principal Bench of this Court in Writ

Petition No.4633 of 2021 petition filed by the Association of Indian Schools and another Vs. State of Maharashtra and another.

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.

13. In view of the ad-interim protection granted in favour of all the members of Association of Indian Schools, we are not inclined to direct respondent No.3-School to accept 15% less amount insofar as fees for the academic year 2021-2022 is concerned at this stage. The validity of the said Government Resolution is questioned in large number of writ petitions and the same is pending. The petitioners are directed to pay the fees of the current year within a period of one (1) week from today without prejudice to the rights and contentions of the petitioners and subject to the order that would be passed by the Committee.

14. It is made clear that if the undertaking tendered by the petitioners are not complied with before this Court on the basis of which we have shown this indulgence, respondent No.3 would be at liberty to take appropriate action against those students in accordance with law.

15. With these directions, writ petition is disposed off.

16. Parties to act upon authenticated copy of this order. No order as to costs.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

...

vmk/-