

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

INTERIM APPLICATION NO. 730 OF 2022

IN

WRIT PETITION NO. 4758 OF 2021

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Amit Baghel

... Applicant.
(Org.Petitioner No.3)

Vs.

Deputy Director of Education Pune
Region, Pune and 3 Others.

...Respondents.

Ms. Ronita Bhattacharya Bector, Advocate for the Applicant -
Org. Petitioner No. 3.

Mr. V. M. Mali, AGP for the State.

Mr. Arvind Kothari, Advocate a/w. Ms. Monisha Mane Bhangale
& Ms. Warisha Parkar i/by Parinam Law Associates for the
Respondent No. 2.

**CORAM : SUNIL B. SHUKRE &
AMIT BORKAR, JJ.**

DATED: FEBRUARY 15,2022.

P.C. :

1. The Petition questions legality of the fee policy of the Respondent No.2-School for the academic years 2019-2020 and 2020- 2021.

2. The Petition has been admitted by this court on 31st August, 2021. While issuing Rule, this court did not grant any interim relief to the Petitioner. In other words, there is no prima-facie finding recorded by this Court about fixation of fees by the Respondent No.2 for the academic years 2019-2020 and 2020- 2021.

3. Now by this Interim Application, the Petitioner No.3, is seeking direction against the Respondent No. 2 that no coercive steps be taken against the Petitioners for their failure to deposit the fee which has been revised for the academic year 2021-2022 on the ground that the fixation of fee for this year has a rational with the fees determined for previous two academic years. However, such relief, in our opinion, cannot be granted for the reason that the foundation, on which the interim relief has been claimed in this application, does not exist. The foundation is of illegal determination of fees by Respondent No. 2 for the academic years 2019-2020 and 2020-2021. In that regard, no prima-facie finding whatsoever has been recorded by this Court and on the contrary, this Court has only issued Rule and admitted the Petition simplicitor. That being the case, no interim relief can be granted to the Petitioner.

4. The Interim Application is, therefore, rejected.

5. Leave for filing an application for amendment is granted.

(AMIT BORKAR, J.)

(SUNIL B. SHUKRE,J.)

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(**Note:** Para 5 of the above original order dated 15.02.2022 is corrected/substituted, as directed in the order dated 16.03.2022 and order dated 15.02.2022 is uploaded accordingly, after signature of their Lordships).

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