

(1)

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

905 WRIT PETITION NO.2501 OF 2020

**PANDURANG NARAYAN KADAM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr R. K. Khandelwal, Advocate for petitioner;
Mr S. K. Tambe, A.G.P. for respondent Nos.1 & 2/State
Mr A. N. Patale, Advocate for respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 10th February, 2023

PER COURT:

1. The petitioner is the father of two sons, who were studying in the 10th Standard and in the 7th Standard, as in 2020, in the Nagarjuna Public School Kautha, Tq. and Dist. Nanded, an English Medium School with CBSC pattern. Today, the elder son Manoj has already passed out. Issue is as regards the younger son Avdhut, who is now in the 10th Standard and would be exam going in March 2023. The father of Avdhut i.e. the petitioner, has been convicted by the Bombay High Court for committing an offence punishable under Section 302 of the Indian Penal Code and is

(2)

presently serving a life term. No appeal has been preferred in the Supreme Court as on today.

2. The learned Advocate representing the School has placed before us, a communication which was addressed to the Education Officer (Secondary), Zilla Parishad, Nanded, dated 03/02/2023, by the Principal of the School. Same is marked as 'X' for identification. It is pointed out that the School survives only on the fees of the students as it is not a 'grant-in-aid' School. The outstanding amount towards fees to be paid by the petitioner in the case of Avdhut, is Rs.1,24,000/-. He, however, does not have the means to pay the fees.

3. The learned Advocate for the Nagarjun Public School, Nanded, submits on instructions that, the School has decided to waive the entire fees of Rs.1,24,000/-, provided this is not treated as a precedent and should not be cited as an example to be used against this School.

4. The learned A.G.P. rightly submits that the convicted prisoners earn amounts in jail by performing work, as is allotted to them. As and when the petitioner will be released from jail, some amount from the accumulated earning can be donated to this

(3)

school as a goodwill gesture. The learned Advocate representing the petitioner submits that the suggestion of the learned A.G.P. is worthy of consideration and acceptable.

5. In view of the above, this petition is disposed off.

6. We express our admiration for the stand taken by the School to waive the entire fees of Avdhut, which amount is Rs.124,000/-, so as to avoid affecting his education, keeping in view that, he is appearing for his 10th Standard. We appreciate the statement made by one of the Director of the Nagarjuna Public School, Nanded, namely, Keshav Ramayya Gaddam, in relation to waiving of fees of Avdhut. However, we record that this shall not be treated as a precedent and this order shall not be cited by any one, as we are passing this order in the peculiar and exceptional circumstances, by consent of the School and it would not be treated as a precedent.

7. Considering the suggestion of the learned A.G.P., we record that, as and when the petitioner would be released from jail, some portion of the earned amount, that has got accumulated towards savings of the petitioner, like 25% or 50%, which shall not be more than the amount of fees waived by the School today, may be

(4)

donated to the said School through the Superintendent of the Jail, as a gesture. This amount shall be utilized for any unforeseen case involving the poor and needy students.

8. Since this petition has been entrusted to the petitioner through the High Court Legal Services Sub-Committee, Aurangabad, we quantify his fees at Rs 2,500/-, to be paid to him by the High Court Legal Services Sub-Committee, Aurangabad.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

sjk