

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

169 WRIT PETITION NO.4747 OF 2023

FRANSALIAN SCHOOL OF EXCELLENCE THROUGH ITS PRINCIPAL
FR. ARUN POULOSE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Mr. C.D. Fernandes, Advocate for the Petitioner

Mr.V.M. Kagne, AGP for the Respondent/State.

Mr.V.V. Gujar, Advocate for caveator.

Mr.A.B. Girase, Advocate for Respondent No.5.

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

DATED : 26th APRIL, 2023.

PER COURT :-

1. We have heard the learned Advocates for the respective sides and perused the petition paper book with their assistance. We have gone through the impugned interlocutory order passed by the Divisional Fee Regulatory Committee, Chhatrapati Sambhajinagar, dated 05.04.2023.

2. The contention of the Petitioner Management is two fold. Firstly, that the Aggrieved Parents Group, which has approached the Committee, does not comprise of minimum 25% of the total parents of the children of affected standard or school and several signatures on the complaint are fraudulent and it is only to create a make believe picture 'that 25% affected parents are before the Committee', that

such a fraud has been played. Secondly, the complaint was tendered to a Member Secretary of the Committee.

3. We find from the definition of “Aggrieved Parents Group” under section 2(1)(a-i) of the Maharashtra Educational Institutions (Regulation of Fee) Act, 2011, that it can represent the children and affected parents. So also, the impugned order has been passed by the Committee comprising of two members. The contention of the Petitioner that the Member Secretary alone was addressed, is incorrect and unsustainable.

4. In so far as the contention of the Petitioner that bogus signatures have been placed before the Committee for indicating 25% of the total aggrieved parents, this can be considered by the Committee since the proceedings are yet to conclude. This petition seeks to challenge an interlocutory order of rejecting objections of the Petitioner.

5. In view of the above, this petition is disposed off. The Committee would consider the contentions of the Petitioner and carefully scrutinise and verify the identities/signatures of those aggrieved parents, who have approached the Committee under “Aggrieved Parents Group”. This issue would be considered while

deciding the complaint addressed to the Committee. All contentions of the parties are open to be considered and the impugned order would not be an impediment.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

sga/