

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 WRIT PETITION NO.4505 OF 2023

SANJOLI RAVINDRA PATIL THROUGH THE NATURAL
GUARDIAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...
Advocate for Petitioner : Mr. Govind S. Tehare
AGP for Respondent Nos. 1 to 4: Mr. P.S. Patil
Advocate for Respondent Nos. 6 and 7 : Mr. Cedric Fernandes

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 21st APRIL, 2023.**

PER COURT :-

1. This matter was heard on 19.04.2023 to quite an extent and has been listed today for passing orders. We are informed by the Registry that Shri P.D. Digraskar, a retired District and Sessions Judge, has obtained a Sanad from the Bar Council of Maharashtra and Goa and he intends to commence his practice. He has, therefore, expressed his disinclination for being a Chairman of the proposed Committee. Nevertheless, after considering the submissions of the learned advocates today, we do not find that there is any reason to form a committee.

2. The biological fathers of Petitioner Nos. 1 to 5 have declared that they would tender their individual affidavits/undertakings for not entering the school, not meeting any official of

the school and not posting any messages, either in the form of sms or WhatsApp. Unless called upon by the management to come to the school or for any official purpose or for an urgent requirement, such parents would not enter the school premises. In case of necessity, they would move a request application citing the reason to come to the school.

3. The learned advocate for the school management submits that around Rs.30,00,000/- are outstanding fees. The parents of these five Petitioners, though may have cleared the fees for the academic year 2022-23, they are instigating the other parents, who are defaulters, in refraining from depositing the fees. The learned advocate representing the Petitioners submits that they have not done this before and would never instigate any parents to avoid depositing the fees.

4. In view of the above, this Petition is disposed off, with the following directions:-

- a) The impugned communications, expelling Petitioner Nos. 1 to 4 would stand recalled.
- b) The school management would be willing to admit Petitioner No.5 in the 1st standard in the said school in view of his father, having expressed his desire to file an

affidavit undertaking/ apology.

- c) The biological fathers of these Petitioners would file affidavits undertakings/apology along with Photostat copy in this Court prior to 5.00 p.m. today. Original affidavits undertakings/apology would be handed over to the learned advocate representing the school management to be preserved in the school record. The Photostat copy would be taken on record in these matters.
- d) Neither the parents of the Petitioners nor any other parents would refrain or avoid depositing the regular fees as well as to clear the arrears of fees. In so far as the arrears of fees are concerned, the same should be cleared by 15.6.2023. Subject to the discretion of the management in granting installments to the needy parent, who is in financial difficulties, all the parents, who are in arrears, would clear the arrears by 15.6.2023.
- e) In the event of any issue as regards non clearance of arrears of fees, the school management would be empowered to take decision as regards continuation of the admission of such students.
- f) The parents of these Petitioners and for that reason, all parents of the students, shall not disturb the peace and harmony in the school.

- g) The school management would show patience and would avoid any conflict or dispute with any parent.
- h) The school management, with the assistance of the Education Officer, Zilla Parishad, would commence the procedure, if not already commenced, for formation of the Parents Teachers Association (PTA). The parents of these five (05) Petitioners would keep themselves away from PTA and would not file an application for becoming the office bearer of PTA.
- i) In the event of any application for being part of the PTA, by any parent who, from the point of view of the management, is aggressive with the management, this objection would be resolved by the Education Officer (Secondary).
- j) In the event of there being any dispute or conflict, the management would refer the same to the Education Officer (Primary/Secondary), Zilla Parishad, Aurangabad and the Deputy Director of Education, Aurangabad, for seeking a resolution.
- k) Neither the parents of the students nor the school management would escalate any conflict. So also the

parents would counsel their wards, who are taking education in the school to behave and exhibit good behaviour in the premises of the school.

5. In view of the above, the Petitioners submit that they do not press prayer clause "C" and the same is deemed to be deleted.

6. In so far as the transportation of the students vis-a-vis traffic congestion is concerned, this issue is to be taken in the PTA in the first meeting and all parties would endeavour to come with a solution which would resolve the issue of traffic congestion and probable accident.

7. In the event of there being any encroachment in front of the school causing such difficulties, the Chhatrapati Sambhajinagar Municipal Corporation would deal with the said issue, in accordance with law, expeditiously.

5.15 pm

8. At 5.15 p.m., the copies of the affidavit/undertakings are tendered. Four affidavits are handed over to the learned advocate Mr Fernandes, in presence of the parties.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)