

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

WRIT PETITION NO. 6645 OF 2023

Sagar Nilchand Dhaware and Anr. ... Petitioners

V/s.

Pratibha Mahila Pratishthan
Through Secretary and Ors. ... Respondents

***with
INTERIM APPLICATION NO. 4101 OF 2023
in
WRIT PETITION NO. 6645 OF 2023***

Archana Bhagwat and Ors. ... Applicant

V/s.

Sagar Nilchand Dhaware and Anr. ... Respondents

Mr. Bhushan Raut for the Petitioners
Mr. Pralhad Paranjape i/b. Mr. Manish Kelkar for Respondents 1 to
3
Ms. R.A. Salunkhe, AGP for Respondent Nos. 4 and 5

***CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.***

DATE : 23 AUGUST 2023

P.C. :-

The Petitioners, parents whose wards are taking education in the school conducted by the Respondent Nos. 1,2 and 3, are before us making a grievance regarding the fee structure of the Respondent Nos.1,2 and 3.

2. In the Petition it is stated that the Petitioner has approached this Court since the Committee set up under the Maharashtra Educational Institutions (Regulation of Fee) Act, 2011 is non-functional. The Petition was called out yesterday and was kept today to enable the learned AGP to take instructions as to the status of the Authority. The learned AGP on instructions states that the Authority is functional. Thereupon, the learned Counsel for the Petitioner states that he will approach the Authority, and states that the Committee be directed to decide the issue in a time bound period. We are not aware of the backlog and the pendency of the cases before the Authority. However, we observed that if it is feasible for the Authority to take an early decision, the Authority will make an endeavour to do so.

3. As regard the amount that has been deposited by the Petitioner pursuant to the order of this Court, we permit the Respondent – School to withdraw the said amount by furnishing an undertaking that the withdrawal will be subject to the order that is to

be passed by the Authority and if the Petitioner has paid an excess amount, the same will be adjusted in respect of the future fees due.

4. Accordingly, we dispose of the Writ Petition keeping the contentions of all the parties open.

5. Interim Applications is also disposed of.

MANJUSHA DESHPANDE, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

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