

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 7678 OF 2023**

Nikhil Ravindra Tikar

...Petitioner

*Versus*

Union Biblical Seminars Skyline Memorial School  
& Ors

...Respondents

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**Appearance not given, i/b Geetanjali Shinde, for the Petitioner.**  
**Mr Markas Deshmukh, for the Respondent.**

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**CORAM    G.S. Patel &**  
**Neela Gokhale, JJ.**  
**DATED:    27th June 2023**

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SANJAY  
MORMARE

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**PC:-**

1.     Mentioned out of turn.
  
2.     The Petitioner is the defaulting parent of a minor, Nirbhay who is in the 6th standard, and another minor, Kshitij who is in the 10th standard. The Petitioner did not pay the school fees and was a defaulter. Hence, the 1st Respondent school declined to continue the Petitioner's sons in the school and issued a transfer certificate. Now the Petitioner says that he is willing to pay the amount due but that his sons should be allowed to continue school. The school is showing no great enthusiasm to accept the deficit fees. It has not allowed the Petitioner to enter the school. That is a complaint being

repeatedly made to us, namely that the Petitioner is willing to make payment due for the school but the school will not let the Petitioner enter the premises. What is not being clarified is that the Petitioner wants to make payment only so that his sons can continue school. This is a situation of the Petitioner's own making.

3. We are not going to be persuaded into erring by making an order on sympathy only because one of the Petitioner's sons is in the 10th standard. The school is quite clear that it does not want the deficit fees. A transfer certificate has been issued to the Petitioner No. 2 in 2022. The Petitioner had enough time to make adequate arrangements for both sons.

4. There remains the question whether the writ is maintainable against the 1st Respondent which is minority institution and certainly not an instrumentality of the State within the meaning of Article 12 of the Constitution of India.

5. The Writ Petition is rejected.

**(Neela Gokhale, J)**

**(G. S. Patel, J)**