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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2329 OF 2002**

The Dadar Parsee Youths
Assembly and Ors.

..... Petitioners.

V/s

The State of Maharashtra and Ors.

..... Respondents.

Adv. Piyush Raheja a/w Adv. Pooja Kothari, Adv. S. Satiya and Adv.
Tejas Popat i/b Rashmikanth and Partners for the Petitioners.

Mr. Mohit Jadhav Addl. G.P. for the Respondent-State

Mr. A.L. Gore a/w Manisha Jadhav for Respondent No.3

**CORAM: A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE: 22nd FEBRUARY, 2024

P.C.:-

1] Challenge raised in this Writ Petition is to the order dated 01/08/2002 that was issued by the Deputy Director of Education, Mumbai requiring the Petitioners to refund various amounts collected by them under the heads of admission fees, computer fees, laboratory fees etc. On 31/1/2024, the following order was passed:-

“P.C.:

1. The challenge raised in the present writ petition is to the communication dated 1st August 2002 that has been issued by the 2nd respondent - Deputy Director of Education by which the

petitioners have been restrained from collecting various amounts under the heads such as admission fees, computer fees, laboratory and library fees etc. Consequentially, the petitioners have been asked to refund an amount of Rs.17,17,570/-.

2. Pursuant to the order dated 17 January 2024, an affidavit has been filed on behalf of the petitioners in which it has been stated that the impugned communication has been issued pursuant to the Government Resolution dated 22nd July 1999. The said resolution was the subject matter of challenge in *Association of International Schools and Principals Foundation and Anr. Vs. State of Maharashtra and Anr.*, (2010) 6 Mah.L.J. 816. By the Judgment dated 1st September 2010, the said Government Resolution dated 22nd July 1999 as well as Government Resolution dated 15th July 2010 have been set aside. It is, therefore, stated that since the Government Resolution on the basis of which the impugned communication dated 1st August 2002 was issued has been struck down, the impugned communication is also liable to be quashed.

3. The learned AGP for respondent nos.1 and 2 to file an affidavit indicating its stand in the light of the Judgment of this Court in *Association of International Schools* (supra). If the basis of issuing the impugned communication dated 1st August 2002 does not survive, then the prayers made in the writ petition are liable to be granted.

4. Put up under the caption of "Directions" on 13th February 2024 to enable the learned AGP to file such affidavit.”

2] Pursuant thereto, the learned AGP has placed on record an affidavit in reply filed by Mr. Sandeep Pramod Sangave, Deputy Director of Education, Mumbai Region wherein it has been stated that in view of the judgment of this Court in *Association of International Schools and Principals Foundation and Anr. Vs. State of Maharashtra and Anr.*, (2010) 6 Mah.L.J. 816 the impugned order dated 01/08/2002 would not survive.

3] In view of aforesaid, purpose of filing the writ petition stands served. It is disposed of in terms of the statement made in the affidavit in reply referred to hereinabove. Rule is made absolute accordingly with no order as to costs.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]