

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3710 OF 2025**

Kiran Tatar & Ors. .. Petitioners
vs.
State of Maharashtra & Ors. .. Respondents

Mr.Kunal Bhanage a/w Mr.Sangram Yadav and Ms.Ketaki Patil for the Petitioners.

Mr.A.I. Patel, Addl. GP a/w S. Kamble, AGP for State/Respondent Nos.1 and 2.

Mr.Abhay Anturkar (Through VC) a/w Mr.Dhruv Tank i/b Mr.Ranjit Shinde for Respondent No.4.

Mr.Mohan Arsewad, Under Secretary, present.

**CORAM : SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ.**

DATE : 31st JULY 2025.

P.C. :

1. The learned Additional Government Pleader on instructions from Mr.Mohan Arsewad, Under Secretary, submits that Committee constituted under the Maharashtra Educational Institutions (Regulation of Fee) Act, 2011 (For short "Act of 2011) is likely to be constituted by making appointment of retired District Judges/High Court Judges.

2. The petitioners who are a group of parents have joined hands to seek direction to the State of Maharashtra to constitute a Divisional Fee Regulatory Committee and Revision Committee in terms of the provisions under sections 7 and 11 of the Act of 2011. They have also made a prayer that the Committee so constituted should decide the appeal filed on 5th November, 2024 and initiate proceedings under section 10 of the Act of 2011. There are allied prayers and a prayer seeking interim protection by restraining the respondent no.4 not to collect the enhanced fee for the academic year 2025-26.

3. The prayer for interim protection so made at prayer clause (e) has been opposed by the learned counsel for the respondent no.4 - Dhruv Global School. The submission made at Bar is that the Court should be conscious of the statutory bar wherever it is indicated that no stay should be granted by the appellate or the revisional authority. The learned counsel refers to the decision in "Mafatlal Industries Ltd. & Ors. vs. Union of India & Ors." (1997) 5 SCC 536 to fortify his submissions.

4. Under sub-section 6 (b) to section 6 of the Act of 2011, it is provided that the Divisional Fee Regulatory Committee while deciding the appeal or reference shall not grant any stay to the fee

proposed by the Management, or as the case may be, the fee approved by the Executive Committee. According to Mr. Anturkar, the learned counsel for the respondent no.4, the fee structure has been fixed after following the statutory mechanism and this Court may not grant any interim protection to the petitioners in view of the specific bar under sub-section 6(b) to Section 6.

5. Sub-section 6(a) to section 6 provides that any appeal or reference should be decided within a period of 90 days as far as possible from the date of the filing, after giving opposite party an opportunity of hearing. This is not in dispute that the appeal was filed on 5th November, 2024 and by now 6 months have passed. Besides that, the reason why the appeal preferred by the petitioners has yet not been decided is that the Divisional Fee Regulatory Committee is not constituted and the tenure of the previous one has lapsed. Therefore, we are inclined to pass an interim order to the effect that till the appeal filed by the petitioners is taken up for hearing by the Committee, the enhanced fee shall not be collected by the respondent no.4.

6. With the aforesaid direction, writ petition is disposed off.

(MANJUSHA DESHPANDE, J.) (SHREE CHANDRASHEKHAR, J)