

JVS.

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

PUBLIC INTEREST LITIGATION NO. 61 OF 2025

Prakash S/o. Shankar Gaikwad	}	Petitioner
versus		
The Union of India & Ors.	}	Respondents

Mr. Avdhut S. Hingne for petitioner.

Ms. Neha S. Bhide, Government Pleader
with Mr. O. A. Chandurkar, Additional
Government Pleader and Ms. Apurva P.
Thipsay, 'B' Panel Counsel for State.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &
GAUTAM A. ANKHAD, J.**

DATE: 11th SEPTEMBER 2025

P.C.:

On 3rd July 2025 this Court expressed its opinion as to the maintainability of this writ petition inasmuch as it is recorded in the said order that no quantifiable data has been brought to the notice of the Court. There is not even the details given of the schools which allegedly are charging capitation fee. The order dated 3rd July 2025 goes on to observe that the writ petition is based on assumptions and conjectures. Following prayers have been made in this public interest litigation:

- a) *Rule be issued.*
- b) *To allow this Public Interest litigation.*
- c) *By way of a writ of mandamus or any other appropriate writ, order or direction in the like nature, this Hon'ble Court may kindly direct the respondents, their officers and subordinates Respondents to issue a circular directing to the private unaided and permanently unaided secondary schools not to collect arbitrarily capitation fee for admission in 9th and 10th class, other than the fee prescribed by the government, from students who have had elementary education under RTE Act, 2009.*

d) *By way of a writ of mandamus or any other appropriate writ, order or direction in the like nature, this Hon'ble Court may kindly direct the respondents, their officers and subordinates Respondents the Respondents to issue a circular directing to the private unaided and permanently unaided secondary school to give admission in 9th and 10th class to the students, who have had elementary education under 25% reserved quota in the same school, by collecting the fee from parent of students as provided by the government by virtue of RTE Act, 2009 and other local Act.*

e) *By way of a writ of mandamus or any other appropriate writ, order or direction in the like Any further relief may be granted in favour of the Petitioner in the interest of justice."*

2. Mr. Avdhut Hingne, the learned counsel for the petitioner states that the children who have been admitted in the schools under 25% reserved quota cannot afford to pay school fee/capitation fee. On this issue, we find that this writ petition labeled as public interest litigation lacks foundation facts. The petitioner has come to this Court on a premise that such students are unable to pay school fee/capitation fee. Simply put, the petitioner seeks roving inquiry in the matter as to the prayers made by him. Therefore, this Court is not inclined to entertain this writ petition, which is dismissed.

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[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]