

12 WP Bhartiya Vidya Bhavan and ors vs. State and ors

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. OF 2020

Bhartiya Vidya Bhavan, Mumbai and ors.

..vs..

State of Maharashtra, thr. Its Secretary and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.G. Bhangde, Sr. Advocate for petitioners.
Mrs. Haider, A.G.P. for respondents.

CORAM : VINAY JOSHI, J.

DATED : 17/11/2020

Matter is presented in Court.

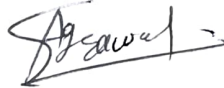
2. Heard.
3. The Petitioner no. 1 is a registered society under the provisions of Societies Registration Act, 1960. Petitioner no. 2 is one of the Kendras of the Petitioner no. 1 and Petitioner no. 3 is a School run by Petitioner no. 2 Kendra whilst Petitioner no. 4 and 5 are the trustees. The petitioners have basically challenging the provisions of Maharashtra Educational Institutions (Regulation of Fees) Act, 2011 by which the power of Management of fixing the fees structure was taken away. The petitioner also prayed for quashing the communication dated 09.11.2020 by which the Deputy Director of Education has directed the petitioner to refund the excess fee recovered from several students during the period 2014-15 and 2018-19.
4. Learned Senior Counsel for the petitioners would

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submit that at the inception, Deputy Director of Education has no authority to issue said communication. He would submit that by virtue of Government Notification dated 26.08.2019 amendment has been made by which the fees can be increased after each two years. According to him, those provisions introduced in the year 2019 were wrongly invoked by the Deputy Director for the earlier period.

5. Issue notice, returnable in two weeks. Till then towards interim measure no coercive steps be taken at the instance of impugned communication dated 09.11.2020.

6. Learned A.G.P. waives service of notice on behalf of the respondents.

Trupti

True copy. **JUDGE**

Personal Assistant
to the Honourable Judge
High Court of Bombay
Nagpur Bench, Nagpur