

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3385 OF 2021

Miss Sharvari Bagde (Minor)
Aged about 15 years, Occ. Student,
Represented by Babarao S/o Santoshrao
Bagde (Father & Guardian of
Miss. Sharvari Bagde)
Occu- Artist, Aged about 52 years,
R/o C/o Sudhakar Joge, Plot No.19,
Sheshnagar, Kharbi Road,
Nagpur 440 024

..... **PETITIONER**

// **VERSUS** //

1. State of Maharashtra,
Ministry of School Education,
through its Secretary, Mantralaya,
Churchgate, Mumbai 400 020.
2. Education Office (Secondary)
Nagpur Division, Zilla Parishad,
Nagpur
3. Central Board of Secondary
Education (CBSE), through its
Chairman, Shiksha Kendra-2
Community Centre, Preet Vihar,
Delhi-110 092
4. Ryan International Group of
Institution, through its Chairman,
Ryan International Central Office,
1st Floor, 90 feet road, Opp. Kanakia
Sanskriti, Thakur Complex, Asha
Nagar, Kandivili (East),
Mumbai 400 101
5. St. Xavier's High School,
Through its Principal
Plot No. 3372/A Vyankatesh Nagar,
Hiwri Nagar, Nagpur 440 035

...**RESPONDENTS**

Ms. Gauri Venkatraman, Advocate for petitioner
Ms. K.S. Joshi, GP for respondent Nos.1 and 2
Mr. P S. Chawhan, Advocate for respondent No.3
Mr. W.T. Mathew, Advocate for respondent Nos.4 and 5

**CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.**

DATE : 16th SEPTEMBER, 2021.

ORAL JUDGMENT: [PER:SUNIL B. SHUKRE, J.]

Heard.

2. Rule. Rule made returnable forthwith. The matter is heard finally with the consent of the learned counsel for the parties.

3. The learned counsel for the petitioner, on instructions, submits that the petitioner has undertaken to pay the entire fee in installments out of which, the petitioner would be depositing the amount of Rs.11,000/- towards payment of the outstanding fee and the remaining amount would be deposited by the petitioner in another six months with the expectation that the amount of Rs.18,000/-, which the petitioner has paid to the school at the time of securing admission of his child, would be allowed to be adjusted by the school management against the outstanding balance of the fee.

4. Learned counsel for the respondent Nos.4 and 5 submits that on depositing amount of Rs.11,000/- tomorrow, the school would be issuing transfer certificate to the petitioner's child and would also deliver the Mark-list once the Mark-list is received from the CBSC Board. He informs this Court that as of now the CBSC Board has not sent the Mark-list of the petitioner's child to the school. He also assures that the school management would give appropriate discount to the petitioner considering the fact that the petitioner is a 'flute artist'.

5. In view of above, we allow the petition on the following terms:

- i. The amount of Rs.11,000/- shall be deposited by the petitioner with the school latest by 17.09.2021.
- ii. The remaining amount of the balance fee shall be deposited by the petitioner in next six months from the date of the order.
- iii. The school management shall give appropriate discount to the petitioner from the outstanding amount of the fee payable by the petitioner to the school and this discount, in our view, may not be less than 40% of the outstanding balance of fee, as a special case, considering the facts and

circumstances peculiar to this case, which concession shall not be treated as precedent for the future cases.

iv. Transfer certificate shall be issued to the child of the petitioner immediately on depositing the amount of Rs.11,000/- by the petitioner with the school.

v. The Mark-list shall be delivered immediately to the child of the petitioner on its receipt by the school management from the CBSC Board.

Rule accordingly. No costs.

JUDGE

JUDGE

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