



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
WRIT PETITION NO. 3228 OF 2025

1. Ku. Chitrakshi D/o Yogesh Rangwani,
Aged : Minor, Through her natural
guardian her father Shri. Yogesh Rangwani.

2. Yogesh S/o Mohandas Rangwani,
Aged about : 40 Years, Occ. Business,
Both 1 and 2 R/o. Near Shanti Kuti,
Gowardhan Nagar, Tumsar.

.....PETITIONERS

...V E R S U S...

1. The State of Maharashtra,
Department of School Education and Sports,
Through its Secretary, Mantralaya, Mumbai.

2. The Chief Executive Officer,
Zilla Parishad, Zilla Parishad Square,
Bhandara.

3. The District Education Officer,
Zilla Parishad (Secondary),
Zilla Parishad Square, Bhandara.

4. The Block Education Officer,
Panchayat Samiti, Khapa Road,
Tumsar, Dist. Bhandara.

5. The Director of Education,
Nagpur Division, Balbharti Bhawan,
Central Park, Lokmat Square,
Dhantoli, Nagpur.

6. The Maharashtra State Commission
for Protection of Children Rights,
3rd Floor, Government Transport
Service, Sir Pochakhanwala Road,
Worli, Mumbai through
its Administrative Officer.

7. Father Agnel School,
Station Road, Tudka, Tahsil Tumsar,
Dist. Bhandara, through its Principal.

8. Vidhyasagar Mandal,
Station Road, Tumsar, Dist. Bhandara,
Through its Secretary.

.....**RESPONDENTS**

Mr. Nitin A. Lalwani, Advocate for petitioners.

Mr. P. P. Pendke, AGP for respondent Nos. 1,4,5 & 6/State.

Mr. P. Sathianathan, Advocate with Mr. W. T. Mathew, Advocate for respondent
Nos.7 and 8.

CORAM : ANIL S. KILOR AND
RAJ D. WAKODE, JJ.

DATED : 16.02.2026.

ORAL JUDGMENT (PER : RAJ D. WAKODE, J.)

. Heard learned counsels for the respective parties.

2. A short question which falls for consideration is whether the student of 7th standard can be denied education in the school on the ground that she has not paid the fees as asked by the school?

3. For answering the aforesaid question, few facts would be necessary. The petitioner No.1 is a minor student and petitioner No. 2 is her father. The petitioner No. 1 was admitted in respondent No. 7 school in 6th standard from academic year 2023-24 and she was promoted to 7th standard in the academic year 2024-25.

4. It is the case of the petitioner No. 2 that since he lodged his protest with respondent Nos. 2 to 6, that respondent No. 7 school was not following the norms and law and had been engaged in profiteering and exploitation of the children, more particularly, by fixing the fee arbitrarily and by not using NCERT books, transfer certificate was issued. According to petitioners, since the grievance was raised, drastic action was taken by respondent school. The petitioner No.1 had appeared in the final examination of Standard VII and has passed the aforesaid examination. The respondent Nos.7 and 8 on 24.03.2025 had issued a notice to the petitioner No.1 that if she fails to pay the outstanding fees of Rs.23,900/- within three days of the receipt of this notice, the School shall issue Transfer Certificate/Leaving Certificate as against the petitioner No.1 alongwith marksheet for the academic year 2024-25. In pursuance to the aforesaid notice, the respondent No.7 – School issued Transfer Certificate to the petitioner No.1 and thus, expelled her from the School.

5. It is the case of the petitioners through their learned counsel Mr. Nitin Lalwani that since the school is governed by the Right of Children to Free and Compulsory Education Act, 2009, (for short, “Act

of 2009”), the act of the respondent school in issuing transfer certificate was contrary to the law.

6. Per contra, Mr. Sathianathan learned counsel appearing for respondent Nos. 7 and 8 have contended that it is the petitioner No. 2, who is to be blamed for creating various problems. According to him, petitioner No. 2 has unnecessarily indulged into creating problems for respondent No. 7 school since the petitioner No. 2 had not only filed incorrect complaints with various authorities but had also tried to outrage the modesty of one of the teachers which resulted into registration of First Information Report. He submitted that the petitioner has in fact, given threat to self immolate which is nothing but a striking example of arm twisting tactics.

7. According to Mr. Sathianathan, the provisions of the Act of 2009 cannot be made applicable to it since respondent No. 7 school is affiliated with Central Board of Secondary Education and is also registered and recognized as minority institution by State of Maharashtra, which is unaided. He thus, submits that since the petitioner No. 2 has not paid the fees for petitioner No.1, in spite of several notices, the transfer certificate was rightly issued.

8. He further submitted that on 18.2.2024, for non payment of school fees, notices were issued to 32 parents and since initially there was no response from the parents or students, a final notice was also issued. He submitted that name of petitioner No.1 was removed from the rolls of the school vide transfer certificate dated 27.3.2025.

9. According to him, school fees for class 6 and 7 amounting to Rs. 23,900/- was not paid by petitioner No.2. He further submitted that as on the date of filing of the affidavit on 30.6.2025, it does not have any seat left in any class so as to accommodate any child as it has exhausted strength of 40 seats for class 8 as per CBSE guidelines. According to him, it being minority institute i.e. respondent Nos. 2 to 6 cannot compel it to admit the student though fee is not paid.

10. Mr. Sathianathan, learned counsel further submitted that in the year 2022, the Education Officer, Zilla Parishad, Bhandara had forced respondent No. 7 school to take approval under the Act of 2009. According to him, the said act of Education Officer to compel the school to take approval under the Act of 2009 is without any authority of law and therefore, the alleged approval granted to respondent No. 7

vide letter dated 26.4.2022 is without any legal sanction and without authority of law in view of judgment of Hon'ble Apex Court. In short, his contention is that recognition letter dated 26.4.2022 has absolutely no meaning and is not at all binding on the respondents. The approval dated 26.4.2022 (page 29) is filed on record by the petitioners.

11. Respondent No. 3 Block Development Officer, Panchayat Samiti, Khapa Road, Tumsar through learned AGP has also filed its affidavit in reply on 11.11.2025. By way of affidavit, it supported the stand of the petitioners saying that since the new academic session (2025-26) has already started since 23.6.2025 and that petitioner No. 1 is still out of school, this Court may be pleased to issue appropriate direction so as to prevent further educational loss in favour of the petitioner No. 1.

12. Respondent No. 6 has also filed its affidavit dated 17.12.2025 and stated that the details of the student studying in CBSE and State Board Schools is shown in United District Information System for Education (UDISE) portal. In the said portal, it was originally reflected that the petitioner No. 1 child had taken admission

in class 8 in the school known as Smt. A. Pashine Kanya School, Dasgaon (Bu.), Gondia, for academic year 2025-26. It was further stated that while checking the said portal on 17.12.2025, it was observed that petitioner No.1 has left the said school from the academic year 2025-26. Thus, according to respondent No.7, petitioner No.1 has removed her admission from the said school after taking admission in the same school which is also reflected in the said portal.

13. The said contention was countered by petitioner No. 1 by filing additional submission on 16.12.2025. In paragraph 3 (page 248), the petitioner No. 1 contended that she has never been to the above school and further there is no question of she being admitted in the said school, as all her documents like original mark sheet, transfer certificate are with her and same were never submitted to any school.

14. In the aforesaid background, the issue has cropped up regarding the student's education on the one hand and the act of respondent No. 7 of issuing transfer certificate in favour of petitioner No.1 for non-payment of tuition fees, on another hand.

15. It is apt to mention that the Constitution of India, more particularly, Part III deals with fundamental rights, was amended and consequently, by the Constitution (86th Amendment to Act of 2002), Article 21-A was introduced, which reads as under:

“21-A-Right to Education –

The State shall provide free and compulsory education to all children of age of 6 to 14 years in such manner as the State may by law determine.”

Further, the Act called as Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as “the Act of 2009) was enacted under the umbrella of Article 21-A of the Constitution of India.

16. In today’s world, importance of education cannot be undermined as its due to the education only, the personality of person blossoms. A girl student i.e. petitioner No.1, who is 13 year old was issued with the transfer certificate for non payment of fees and consequently was deprived of taking education. At present, the girl has not taken any admission in any school. The respondent Nos. 7 and 8 apart from saying that the petitioners have not paid fees have also contended that petitioner No. 2 has, in fact, threatened to “self

immolate”. The exact pleadings made by respondent Nos.7 and 8, in affidavit dated 30.6.2025, more particularly, in paragraph 17 (page 106), are as under:

“17. Needless to say further, the petitioner No. 2 has caused serious mental, physical and academic damage to his own daughter for the sake of his political mileage. Moreover, in the later paras, the respondent No. 7 has further placed on record that how the petitioner No. 2 threatened to self immolate along with his daughter with petrol and the Block Education Officer as well as the Education Officer has issued letters to the Superintendent of Police, Bhandara and Police Inspector, PS Tumsar. Such action and threats by the petitioner No. 2 needs to be taken cognizance of by this Hon’ble Court and the life and limb of the petitioner No.1 requires to be protected from the violent hands of the petitioner No.2”.

17. It is thus clear that in one breath, respondent No. 7 has shown concern about safety of petitioner No.1 and in another, has issued a transfer certificate in favour of petitioner No. 1. The Hon’ble Apex Court in case of *Sukdeb Saha Vs. State of Andhra Pradesh and Others*, reported in *2023 SCC OnLine 1515* while dealing with the issue of suicide committed by the students has issued the guidelines and directions in paragraph 35, which reads thus:

(iii) Guidelines:—

35. Keeping in view of the above, and in exercise of the powers conferred upon this Court under Article 32 of the Constitution of India for the enforcement of fundamental rights, and treating this pronouncement as law declared by this Court under Article 141, we hereby issue the following guidelines, which shall remain in force and be binding until such time as appropriate

legislation or regulatory frameworks are enacted by the competent authority. The Guidelines are prescribed as under:

I. All educational institutions shall adopt and implement a uniform mental health policy, drawing cues from the UMMEED Draft Guidelines, the MANODARPAN initiative, and the National Suicide Prevention Strategy. This policy shall be reviewed and updated annually and made publicly accessible on institutional websites and notice boards of the institutes.

II. All educational institutions with 100 or more enrolled students shall appoint/engage at least one qualified counsellor, psychologist, or social worker with demonstrable training in child and adolescent mental health. Institutions with fewer students shall establish formal referral linkages with external mental health professionals.

III. All educational institutions shall ensure optimal student-to-counsellor ratios. Dedicated mentors or counsellors shall be assigned to smaller batches of students, especially during examination periods and academic transitions, to provide consistent, informal, and confidential support.

IV. All educational institutions, more particularly the coaching institutes/centres, shall, as far as possible, refrain from engaging in batch segregation based on academic performance, public shaming, or assignment of academic targets disproportionate to students' capacities.

V. All educational institutions shall establish written protocols for immediate referral to mental health services, local hospitals, and suicide prevention helplines. Suicide helpline numbers, including Tele-MANAS and other national services, shall be prominently displayed in hostels, classrooms, common areas, and on websites in large and legible print.

VI. All teaching and non-teaching staff shall undergo mandatory training at least twice a year, conducted by certified mental health professionals, on psychological first-aid, identification of warning signs, response to self-harm, and referral mechanisms.

VII. All educational institutions shall ensure that all teaching, non-teaching, and administrative staff are adequately trained to engage with students from vulnerable and marginalised backgrounds in a sensitive, inclusive, and non-discriminatory manner. This shall include, but not be limited to, students

belonging to Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC), Economically Weaker Sections (EWS), LGBTQ+ communities, students with disabilities, those in out-of-home care, and students affected by bereavement, trauma, or prior suicide attempts, or intersecting form of marginalisation.

VIII. All educational institutions shall establish robust, confidential, and accessible mechanisms for the reporting, redressal, and prevention of incidents involving sexual assault, harassment, ragging, and bullying on the basis of caste, class, gender, sexual orientation, disability, religion, or ethnicity. Every such institution shall constitute an internal committee or designated authority empowered to take immediate action on complaints and provide psycho-social support to victims. Institutions shall also maintain zero tolerance for retaliatory actions against complainants or whistle-blowers. In all such cases, immediate referral to trained mental health professionals must be ensured, and the student's safety, physical and psychological, shall be prioritised. Failure to take timely or adequate action in such cases, especially where such neglect contributes to a student's self-harm or suicide, shall be treated as institutional culpability, making the administration liable to regulatory and legal consequences.

IX. All educational Institutions shall regularly organise sensitisation programmes (physical and/or online) for parents and guardians on student mental health. It shall be the duty of the institution to sensitise the parents and guardians to avoid placing undue academic pressure, to recognise signs of psychological distress, and to respond empathetically and supportively. Further, mental health literacy, emotional regulation, life skills education, and awareness of institutional support services shall be integrated into student orientation programmes and co-curricular activities.

X. All educational institutions shall maintain anonymised records and prepare an annual report indicating the number of wellness interventions, student referrals, training sessions, and mental health-related activities. This report shall be submitted to the relevant regulatory authority, which may be the State Education Department, University Grants Commission (UGC), All India Council for Technical Education (AICTE), Central Board of Secondary Education (CBSE), or as otherwise indicated.

XI. All educational institutions shall prioritise extracurricular activities, including sports, arts, and personality development initiatives. Examination patterns shall be periodically reviewed to reduce academic burden and to cultivate a broader sense of identity among students beyond test scores and ranks.

XII. All educational institutions, including coaching centres and training institutes, shall provide regular, structured career counselling services for students and their parents or guardians. These sessions shall be conducted by qualified counsellors and shall aim to reduce unrealistic academic pressure, promote awareness of diverse academic and professional pathways, and assist students in making informed and interest-based career decisions. Institutions shall ensure that such counselling is inclusive, sensitive to socioeconomic and psychological contexts, and does not reinforce narrow definitions of merit or success.

XIII. All residential-based educational institutions, including hostel owners, wardens and caretakers, shall take proactive steps to ensure that campuses remain free from harassment, bullying, drugs, and other harmful substances, thereby ensuring a safe and healthy living and learning environment for all students.

XIV. All residential-based institutions shall install tamper-proof ceiling fans or equivalent safety devices, and shall restrict access to rooftops, balconies, and other high-risk areas, in order to deter impulsive acts of self-harm.

XV. All coaching hubs, including but not limited to Jaipur, Kota, Sikar, Chennai, Hyderabad, Delhi, Mumbai, and other cities where students migrate in large numbers for competitive examination preparation, shall implement heightened mental health protections and preventive measures. These regions, having witnessed disproportionately high incidents of student suicides, require special attention. The concerned authorities, namely, the Department of Education, District Administration, and management of educational institutions, shall ensure the provision of regular career counselling for students and parents, regulation of academic pressure through structured academic planning, availability of continuous psychological support, and the establishment of institutional mechanisms for monitoring and accountability to safeguard student mental well-being.

36. The above guidelines shall apply to all educational institutions across India, including public and private schools, colleges, universities, training centres, coaching institutes, residential academies, and hostels, irrespective of their affiliation.

We may clarify that these guidelines are not in supersession but in parallel to the ongoing work of the National Task Force on Mental Health Concerns of Students and are being issued to provide an interim protective architecture in the interregnum. We believe that these guidelines shall be read as complementary to the ongoing work of the National Task Force and would inform and assist the National Task Force in the development of a more comprehensive and inclusive framework.

(iv) Directions:—

37. *All States and Union Territories shall, as far as practicable, notify rules within two months from the date of this judgment mandating registration, student protection norms, and grievance redressal mechanisms for all private coaching centres. These rules shall require compliance with the mental health safeguards prescribed herein.*

38. *A district-level monitoring committee shall be constituted in each district under the chairpersonship of the District Magistrate or Collector. The committee may include representatives from the departments of education, health, and Child protection, civil society and shall oversee implementation, conduct inspections, and receive complaints.*

39. *Having regard to the serious and continuing nature of the concerns addressed herein, we direct the Union of India to file a compliance affidavit before this Court within a period of 90 days from the date of this judgment. The affidavit shall detail the steps taken to implement these guidelines, the coordination mechanisms established with State Governments, the status of regulatory rulemaking with respect to coaching centres, and the monitoring systems put in place. The affidavit shall also indicate the expected timeline for the completion of the report and recommendations of the National Task Force on Mental Health Concerns of Students.*

40. *Let a copy of this judgment be circulated to the Ministry of Education, Ministry of Health and Family Welfare, Ministry of Law and Justice, University Grants Commission, National Council of Educational Research and Training, Central Board of Secondary Education, All India Council for Technical Education, and the Chief Secretaries of all States and Union Territories for immediate compliance and necessary action.*

18. It was also observed in paragraph 5 by the Hon'ble Apex Court, which is reproduced as under:

"5. Jiddu Krishnamurti, in his book "Education and the Significance of Life," noted that the function of education is to create human beings who are integrated and therefore intelligent. Krishnamurti cautioned against turning education into a system of conformity and performance, warning that the mind of a child must not be conditioned by fear, competition, or compulsion. These philosophical foundations remind us that education is meant to liberate, not burden the learner, and that its true success lies not in grades or rankings but in the holistic growth of a human being capable of living with dignity, confidence, and purpose".

19. If the aforesaid observations of the Hon'ble Apex Court as well as true spirit of Article 21-A and the Act of 2009 is taken into consideration, it can be definitely said that the respondent Nos.7 and 8 were not at all justified in issuing the transfer certificate. Various authorities are cited by Mr. Sathianathan including a judgment in case of *T.M.A. PAI Foundation and Ors Vs. State of Karnataka and Ors*, reported in *(2002)8SCC 481*, in case of *Society for Unaided P. School of Rajasthan V. Union of India and anr*, reported in *AIR 2012 (6) SCC 1*, judgment in Writ Petition Stamp No. 95629/2020, in case of *Association of Indian Schools and Anr Vs. The State of Maharashtra along with connected matters*, decided on 1.3.2021 as well as the order dated 27.6.2022, passed in Writ Petition No. 2118/2021, of this Court. The gist of aforesaid judgments can be said to be that the private

unaided minority school is not covered by the Act of 2009 and such being the position, there would be no corresponding right vested in student to seek admission to such school and it would be absolutely within the discretion and all prerogative of private minority unaided school. The education institutions cannot be prevented from taking such actions as may be permissible in law against the students who are in arrears or have defaulted in payment of fees for the earlier academic years or subsequent academic years. There cannot be interference in administration of unaided minority educational institution.

20. The law laid down by the aforesaid judgments, cannot be disputed at all. The factual matrix changes entire gamut. According to respondent Nos. 7 and 8, in the year 2022, the Education Officer had forced the school to take approval under the Act of 2009 and said act is without any authority of law. We have perused the approval dated 26.4.2022, which is at page 29. The said communication shows that the Education Officer (Primary), Zilla Parishad, Bhandara has granted an approval to the school which clearly shows that the provisions of the Act of 2009 are made applicable to the respondent No.8 and subsequently to respondent No.7.

21. Further if communication dated 11.10.2007 (page 28), issued by Government of Maharashtra, School Education and Sports Department addressed to the Secretary, Central Board of Secondary Education, Community Centre, New Delhi, copy of which is forwarded to respondent No.8, is seen, it would be crystal clear that the Government of Maharashtra has issued no objection certificate for starting a school in CBSE section at respondent No.7 to be affiliated to the Central Board of Secondary Education, New Delhi on a condition that school shall abide by the rules and regulations stipulated by the Government of Maharashtra.

22. Thus, holistic reading of communications dated 11.10.2007 and 26.4.2022 would clearly reveal that respondent Nos. 7 and 8 have agreed to abide by rules and regulations stipulated by Government of Maharashtra.

23. At this juncture, it would be necessary to mention here that respondent Nos. 7 and 8 cannot blow both hot and cold. The act of respondent Nos. 7 and 8 of taking benefit under communications dated 11.10.2007 and 26.4.2022 on one hand by running the school and on

other hand saying that the provisions of Act of 2009 are not applicable is a striking example of unfairness and arbitrary action. Once, respondent Nos.7 and 8 have acted on the aforesaid communications, now they cannot permit to run away from their responsibilities.

24. There is one more aspect which needs to be seen to resolve the issue. The communication dated 26.4.2022, according to respondent Nos. 7 and 8, is obtained under force and has no legal basis but surprisingly the learned counsel for respondent Nos.7 and 8 has not pointed out to us that same is challenged by preferring any proceeding. Thus, it is crystal clear that act of respondent Nos. 7 and 8 is illegal and unfair.

25. Thus, in our considered opinion, the provisions of the Act of 2009 are squarely applicable to respondent No.7 - school being run by respondent No.8 - Management. Having once held that the provisions of the Act of 2009 are applicable to respondent Nos.7 and 8, the impugned action of expelling petitioner No.1 from the school before the completion of her elementary education is clearly in violation of Section 16(4) of the aforesaid Act of 2009 and is therefore unsustainable in the eyes of law.

26. Learned counsel for the petitioners, Shri. Nitin Lalwani, has tendered across the bar the Affiliation Bye-Laws of 2018. The respondent Nos.7 and 8 have not disputed the fact that the aforesaid Affiliation Bye-Laws of 2018 are binding upon them and are specifically mentioned as applicable in the extension of general affiliation up to the secondary level as issued by the CBSE. A perusal of the aforesaid Bye-Laws further affirms the fact that the provisions of the Act of 2009 are applicable to respondent Nos.7 and 8. The relevant Clause 2.4.5 of the aforesaid Bye-Laws reads thus :

“2.4.5 ADMISSION OF STUDENTS

- (a) *Admission in the school affiliated to the CBSE shall be made without any distinction of gender, disability, religion, race, caste, creed and place of birth etc. Reservation, if any, shall be governed by the applicable Education Act/Rules of the appropriate Government.*
- (b) *For the purpose of admission and extent of schools' responsibility for Free and Compulsory Education the school shall be governed by the provisions of the Right to Children to Free and Compulsory Education Act, 2009 and the rules framed there under.*
- (c) *The school shall not take any direct admission in the classes X and XII without following the procedure prescribed by the Board in this regard.”*

27. A similar restriction is imposed by the approval order dated 26.04.2022 issued by the Education Officer (Primary), Zilla Parishad,

Bhandara, in favour of the present respondent Nos.7 and 8. The aforesaid approval order is at record page No.29. A perusal of the approval order dated 26.04.2022, particularly Clause 7 thereof, specifically provides that a child admitted to the school shall not be expelled until completion of elementary education.

28. It is relevant to point out here one more objection raised by Shri. Sathianathan, learned counsel, regarding the applicability of the Act of 2009 to respondent Nos.7 and 8. Shri. Sathianathan has drawn our attention to the reply filed by respondent Nos.7 and 8, thereby pointing out that the petitioner No.1 was admitted to respondent No.7-School by way of normal admission procedure and thus does not fall within the RTE category and hence, the provisions of the aforesaid Act of 2009 are not applicable in the case of the present petitioners.

29. The aforesaid objection raised by respondent Nos.7 and 8 is being recorded only for the purpose of rejection. The reason being that the Right of Children to Free and Compulsory Education Act, 2009, was enacted with the object of providing free and compulsory education to all children between the ages of 6 to 14 years. The word “child” has

been defined in Section 2(c) of the aforesaid Act of 2009, which reads thus :

“2. Definitions.- In this Act, unless the context otherwise requires,-

(a)

(b)

(c) “child” means a male or female child of the age of six to fourteen years.”

Similarly, Section 3(1), which provides for the right of a child to free and compulsory education, reads thus:

“3. Right of child to free and compulsory education. -

(1) Every child of the age of six to fourteen years, including a child referred to in clause (d) or clause (e) of section 2, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.”

30. Thus, in our considered opinion, the Act of 2009 is applicable to every child between the age group of 6 to 14 years. It is an undisputed fact that the petitioner No.1 is of 13 years and thus, the Act of 2009 is applicable to her. The respondent Nos.7 and 8 have also not disputed the applicability of the aforesaid Act of 2009 on the basis of age of the petitioner No.1.

31. The respondent Nos.7 and 8, in paragraph 45 of their reply, have specifically contended that the respondent No.7 - School is regularly following the norms mentioned in the Maharashtra Educational Institutions (Regulation of Fee) Act, 2011 (hereinafter referred to as “the Act of 2011”) for the sake of brevity. Having admitted so as to the applicability of the Act of 2011, the impugned action of expelling the petitioner No.1 from respondent No.7 - School on the ground of non-payment of fees is again unsustainable in the eyes of law. It is worth to mention here that the petitioners have specifically stated on oath in the memo of petition that they had never refused to pay the fees. On the contrary, petitioner No.2 had attempted to pay the fees on 27.03.2025 but was wrongfully and forcibly denied entry into the school premises by its staff. Thus, the petitioners were always ready and willing to pay the fees to respondent Nos.7 and 8.

32. In view of the aforesaid circumstance and in view of the admission regarding the applicability of the Act of 2011 to respondent Nos.7 and 8, the impugned action of expelling petitioner No.1 is not in consonance with the provisions of the Act of 2011, more specifically Section 3A of the aforesaid Act of 2011, which reads thus:

“3A. Payment of fee and penalty for late or non payment.

- (1) *The fee shall be paid by the parents monthly or bi-monthly or quarterly, as decided by the school management:*

Provided that, if the parents of the children intend to pay the fee half-yearly or yearly, the management of the school shall allow parents to pay the fee accordingly and may at their discretion offer rebate.

- (2) *The management of the private unaided schools and permanently unaided schools shall be entitled to charge a delay payment fee or late payment fee, with penal interest. The rate of penal interest shall be such, as may be decided by the Government by order.”*

The aforesaid amended Section 3A was inserted by the Maharashtra Act No.28 of 2019 on 26.08.2019.

33. Thus, learned counsel for the petitioners, Shri. Nitin Lalwani, submits that the respondent Nos.7 and 8 were at the most entitled to charge a delay payment fee with penal interest as decided by the Government and not to expel petitioner No.1 from the School. The aforesaid action at the behest of respondent Nos.7 and 8 is clearly exceeding the right as provided under statute and thus, is unsustainable in the eyes of law.

34. In view of the aforesaid reasons, in our considered opinion, the impugned action at the behest of respondent Nos.7 and 8 in expelling the petitioner No.1 is illegal and bad in law, and hence

deserves to be quashed and set aside. Consequently, the petition deserves to be allowed. Accordingly, we pass the following order:

ORDER

- i) The writ petition is partly allowed.
- ii) The impugned action at the behest of respondent Nos.7 and 8 in expelling the petitioner No.1 from the respondent No.7 - School by issuing the Transfer Certificate dated 27.03.2025 is hereby quashed and set aside.
- iii) The petitioners to deposit the arrears of fees within a period of two weeks from today.
- iv) Because of the unfortunate litigation faced by the petitioner No.1 at the tender age, the respondent Nos.7 and 8 are directed not to charge the late fees or penal interest on the arrears of fees in the peculiar facts and circumstances of the case.

35. The present writ petition is, accordingly, disposed of. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)