

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

PIL NO.-CJ-LD-VC-24 OF 2020

Dr.Binu Varghese                     }     Petitioner  
                                          }     versus  
State of Maharashtra               }     Respondents  
and Ors.                               }

Ms.Padma S. Shelatkar for PIL petitioner.

Mr.P.P.Kakade-Government Pleader with  
Mr.M.M. Pabale-AGP for State.

CORAM :- DIPANKAR DATTA, CJ &  
          K.K.TATED, J.

DATE :- JUNE 19, 2020

PC :-

**1.** This PIL petition is at the instance of a social worker. It is revealed from the pleadings that due to the pandemic, parents of school children are in financial distress and this prompted the PIL petitioner to invoke the extraordinary jurisdiction of this Court under rule 4(e) of the Bombay High Court Public Interest Litigation Rules. Multiple relief has been claimed. The prayer clauses read as follows:

“a. That the direction be issued to the schools, not to charge more than 50% of the fees in this academic year taking into consideration the pandemic and its effects;

b. That direction to waive off the school fees during pandemic lockdown to be given starting from 23<sup>rd</sup> March 2020;

- c. That directions to waive off the online sessions for pre-primary and primary section schools from Nursery to 4<sup>th</sup> std;
- d. That the schools to less make projects where sometimes unnecessary expenses are done for this academic year;
- e. That the state government be directed to take due care and see that the schools not to violate if found guilty strict actions to be taken and no schools to reopen till the innovation of vaccine for COVID-19 virus.”

**2.** Although relief has primarily been claimed against “the schools”, the management of not a single school has been impleaded as a respondent by the PIL petitioner. Obviously, granting the prayers of the PIL petition in the absence of the schools would amount to breach of principles of natural justice. We are conscious of the position in law that the Court may add the schools as respondents but no explanation has been furnished why the PIL petitioner did not implead at least some of them as respondents. This is one reason for declining interference.

**3.** The other reason for declining interference is this. There is a general statement made by the PIL petitioner that parents of school going children are in financial distress. If at all the statement is correct, nothing prevents such parents to approach the Government in a group and seek framing of guidelines for reducing the quantum of tuition fees as well as for other relief during the period of lockdown considering their plight. Apart from the requisite facts and figures based on which a guideline

could be framed being absent in this PIL petition, it would require a policy decision to be adopted. In matters relating to academic policy, the courts ought to stay at a distance.

**4.** For the reasons aforesaid, we are not inclined to entertain this PIL petition. It stands dismissed, without costs.

**5.** This order shall not preclude aggrieved persons from pursuing their remedy in accordance with law.

**6.** This order will be digitally signed by the Private Secretary of this court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

**(K.K.TATED, J.)**

**(CHIEF JUSTICE)**