

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 653 OF 2015

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SUNIL S/O RAOSAHEB MUNDE
VERSUS
THE STATE OF MAHARASHTRA & ANR

...
Advocate for Petitioner : Mr. S.S. Deshmukh
APP for Respondents : Mr. M.M.Neralikar
Advocate for Respondents : Mr. S.D. Tawshikar for R.No.3,
Mr. R.J. Godbole for R.No.5

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.

Dated: November 16, 2015

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PER COURT :-

1. The petitioner, vide the present writ petition seeks directions against the respondents to initiate criminal prosecution pursuant to the representation dated 26.3.2015 and further to decide the representation.

2. Mr. Deshmukh, learned counsel for the petitioner submits that, the school run by the respondent is not in existence at all. There are reports on record suggesting that school is not in existence. In spite of the fact that there are reports on record about non existence of the school, the respondents are not taking any further action. This Court had also in Writ Petition No.3614/2014 vide order dated 4.3.2015 had directed the authorities to complete the proceedings initiated by the authorities against the Society

within six months from the date of the said order, however, said proceedings are not yet completed. Even recently report has been given by the Chief Executive Officer of the Zilla Parishad, Beed to the Director of Education recommending de-recognition of the school. According to the learned counsel, when a cognizable offence is made out, it is the duty casted upon the authorities to register First Information Report. Same has not been adhered. Forged documents are being submitted. The respondents have gone even to the extent of threatening the Block Education Officer, for which a complaint has been filed by the Block Education Officer to the police station.

3. The learned APP states that, the Education Officer has filed an affidavit wherein it is clearly stated that appropriate action would be taken after conclusion of the inquiry. Inquiry is being conducted.

4. The learned counsel for the Society and Institution submit that, prayers of the petitioner cannot be considered in the present writ petition and relied on the judgment of the Division Bench of this Court in the case of **Narendra Nagindas Rathod Vs. State of Maharashtra and Others**

reported in 2013 (2) Mh.L.J. 125.

5. We have considered the submissions.

6. In fact, this Court vide order dated 4.3.2015 passed in Writ Petition No.3614/2014 on the basis of the affidavit filed by the Department had observed to conclude the proceedings within six months. Six months have lapsed. It appears that, recently report has been submitted by the Chief Executive Officer, Zilla Parishad, Beed to the Director of Education, recommending further action under Right to Education Act.

7. Inquiry, it seems has not yet been completed inspite of the directions of this Court in earlier writ petition bearing No.3614 of 2014. The authorities were expected to complete the said proceedings by now. The present report as submitted by the learned counsel for the petitioner states that, about 115 students were in class 8-10 as per record of the institution, however, only 22 students remained present and that too traveling from 21 kilometers.

8. Be that as it may, we are not considering here merits and demerits of the report. It is for the authorities to consider in accordance with the provisions of the Right to

Education Act. Much time has lapsed since directions were given by this Court. By way of indulgence, we grant **three months** more time to conclude the said proceeding and to take it to its logical end in accordance with law. The authorities shall follow due procedure of law while resorting to the further course of action, and upon conclusion of the proceedings shall take appropriate proceedings as is available under the provisions of Right to Education Act and/or any other law. The parties are also at liberty to take further course of action as is permissible.

9. Writ Petition is accordingly disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-