

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4324 OF 2013

SANGAMESHWAR SHIKSHAN SANSTHA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 4461 OF 2013
SANGAMESHWAR SHIKSHAN SANSTHA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....

Mr. C. V. Thombre, Advocate for Petitioner
Mr. G. K. Naik-Thigale, AGP for respondent Nos. 1 to 4
Mr. H. V. Patil, Advocate for respondent Nos. 5 and 6 in Writ Petition No.
4461 of 2013

.....

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 18th JUNE, 2015

PER COURT :

1. Mr. Thombre, the learned counsel for petitioners in both the writ petitions, submits that the petitioner is running Secondary School in Marathi Medium at village Pusegaon, though there were other two Schools, one in Urdu medium and other in Marathi medium also being run at village Pusegaon. The learned counsel submits that population of the said village is hardly 5 to 6 thousand. Permission has been granted to respondent institution in both these writ petitions to open Secondary School at Village Pusegaon. The same would

give rise to unhealthy competition. Even the Scrutiny Committee had shown the respondent institution in writ petition no. 4324 of 2013 as ineligible. The learned counsel submits that, still the Government granted permission. According to the learned counsel, the provisions of Right to Education Act has not been followed. Even the procedure has not been followed. The learned counsel further submits that the strength of students of petitioner School would be affected. The petitioner School is grant-in-aid School. It would give rise to unhealthy competition.

2. Mr. Patil, the learned counsel for respondent, submits that the respondent in writ petition no. 4461 of 2013 is granted permission and the Scrutiny Committee has also found the respondent eligible. The respondent Institution in both these writ petitions had applied under the Self Finance Scheme. The respondents complied with all the aspects of the matter and thereafter, has been granted permission. The learned counsel submits that even as per 2001 census, the population of village Pusegaon was about nine (09) thousand. Today, it is more than 10 to 12 thousand. The learned counsel submits that even in adjoining villages, there is no school.

3. The learned AGP submits that the permission granted to respondent institution is after considering all the relevant aspects of

the matter. The schools are established under the Maharashtra Self Finance School (Establishment) Regulation Act, 2012. Even the fee structure would be different in both the schools.

4. We have considered the submissions canvassed by the learned counsel. The intake capacity of the petitioner school is only 60 students. The schools are running for more than three years. It is not shown that because of start of respondent school, strength of petitioner school has been affected in these three years. Moreover, the schools of the respondent are established under the Maharashtra Self Finance (Establishment) Regulation Act, 2012. The provisions of the said Act are said to have been followed. Considering the aforesaid aspects of the matter, we are not inclined to interfere with the permissions granted. Writ Petitions accordingly stand disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

aaa/-